

TUESDAY: 20 NOVEMBER 2008

Sitting No. 23

[No. 23 - 2008] Fourth Session, Third Legislature

REPUBLIC OF SOUTH AFRICA

**LEGISLATURE OF THE
NORTH WEST PROVINCE**

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09H00

HON. DEP SPEAKER:

Honourable Members we may now observe a moment for silent prayer or meditation. Honourable Members may get seated. Next item.

**SECRETARY: ITEM NO 2:
MINUTES OF THE 18th
NOVEMBER 2008**

HON. DEP. SPEAKER:

Honourable Members I put before you a set of minutes of the 18th of November 2008 for adoption. Does the House adopt the minutes? We proceed to the next item.

**SECRETARY: ITEM NO.3
MOTIONS**

- a) Motions without notice
- b) Notices of motions

HON. DEP SPEAKER:

Honourable Members are there any motions without notice?

Honourable George Madoda, Honourable Molema and Honourable Mahlangu.

HON. MADODA:

Honourable Deputy Speaker the ANC rises to place a motion without notice to inform your House about the commitment of the South African Police Services to stamp out crime this festive season. The above is clear with the arrest of 3000 suspects across the province for various offences. Included in the crime blitz was the confiscation of cellular phones and the handing out of fines to 2000 people. The ANC would like to take this time to congratulate police and wish them well for future crack downs. I thank you.

HON. DEP. SPEAKER:

Does the House adopt the motion? By indication it seems the House agrees, Honourable

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Molema.

HON. MOLEMA:

Thank you very much Honourable Deputy Speaker, African National Congress backs for your indulgence to make a statement about 16 days of Activism of women and children abuse. South Africans are being called to combat abuse of women and children. Over the past 8 years South Africa has taken part in the global on 16 days of activism for no violence against women campaign which runs from 25th November to 10 December [interruption].

HON. DEP. SPEAKER:

Honourable Molema lets hear Honourable Mahlakeng.

HON. MAHLAKENG:

I thought we were on the motions the Honourable Member is on a statement.

HON. MOLEMA:

My apologies.

HON. MAHLANGU:

Thank you Deputy Speaker, the ANC rises to place a motion without notice to remind your House about Arrive Alive

Campaign. This yearly campaign is part of government's plan to radically reduce road death and injuries in the country. The campaign is implemented over peak seasons in the country, the offences targeted during this period are drinking and driving, speeding, fastening of seat belts, vehicle roadworthiness, driver's fitness and moving offenses.

Pedestrians who represent the large percentage of people who are killed and injured are being targeted throughout the campaign. The campaign has a backing of parliament and would like to commend the men and women who will be making our lives safer on the road this festive season and they include amongst others the traffic lamps, South African Police Service and all other role players. The ANC will like to urge citizens who will be on the road this festive season to do so with little more consideration for the next person. I thank you.

HON. DEP. SPEAKER:

I take it that Honourable Members that the House adopts that motion. Any other motion without notice? None.

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Honourable Members are there any notices of motions?
Honourable Hattingh and Honourable Groenewald.

HON. HATTINGH:

Honourable Deputy Speaker the DA wishes to pass this following motion that this House expand the investigation to take place within the Department of Agriculture to include all tender and procurement procedures undertaken specifically including transactions with one Smoky Mountain Trading R262 of(at least R2 571 million and secondly Serfontein Kuikens amounting to at least R484 000 the total of these two entities totaling at R3,056 million in which the MEC for Agriculture, Conversation & Environment has an interest. I thank you.

HON. DEP. SPEAKER:

Is there any Member who want to speak on this matter, sorry it's a notice of motion. Honourable Groenewald.

HON. GROENEWALD:

Thank you Deputy Speaker, the DA wants to move this august House and ask the investigation undertaken on this project with specific attention focus on the

maintenance of 73 projects with a total of R6, 25 million was spent. This is according to the auditor general's report. The farmers of the irrigation scheme are not aware of this maintenance. I thank you.

HON. DEP. SPEAKER:

Honourable Members those are two notices of motions. Honourable Africa.

HON. MEC AFRICA:

[INAUDIBLE]

HON. DEP. SPEAKER:

I think Groenewald speaks about Taung.

**SECRETARY: ITEM NO.4:
STATEMENTS BY MEMBERS****HON. MOLEMA:**

Thank you very much, African National Congress backs for you indulgence to make a statement about the 16 days of activism on women and children abuse. South Africans are being called on to combat abuse of women and children. Over the past 8 years South African have taken part in the global 16 days of activism for no violence against women campaign which runs from 25th November through to

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December 10.

South Africa added children to its campaign because of the high incidents of child abuse in the country. South Africa is still a home to high levels of violence against its women and children. Despite a world-renowned constitution and legislative overhaul that safeguard women's rights. The rampant disregard for the rights of the vulnerable is both shocking and disturbing. It is then necessary to ensure that all stakeholders from South African Police Services the Department of Justice and especially the people themselves play their part in reducing the high incidences of violence against women and children.

HON. DEP. SPEAKER:

Does any Member wish to comment on a statement? None. Let me advise you Honourable Members I can see number of Honourable Members have a problem of this thing of Mr Speaker, Madam Speaker, it is safe just to say Deputy Speaker. It is short and precise to the point. Deputy Speaker is shorter and safer. We proceed to the next item.

SECRETARY: ITEM NO.5: ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS**HON. DEP. SPEAKER:**

Ntate Baloyi I had noted you but o be o itebala.

HON. BALOYI:

My apology. Allow me to read a statement on behalf of the ANC, a statement of an admission of guilt by Johan Nell at the Mmabatho High Court. Johan Nell killed 4 people and injured others because he was filled with fear that his family will be attacked on their North West farm. This is according to Dr Imma Lambason a forensic criminologist who was called to testify in his favour in the Mmabatho High Court on Monday.

Earlier in the day Nell pleaded guilty to 4 accounts of murder, 11 account of attempted murder and the illegal possession of a firearm and ammunition relating to the January 14 shooting spree in the Skielik informal settlement outside Swartruggens. In his plea explanation Nell said "I'm the accused in this case, I'm aware of the content of the

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charges against me and freely pleaded guilty without being influenced on all 17 charges against me".

On the murder accounts Nell said "On January 14 he went to the informal settlement where he opened fire on the 4 and killed them. The deceased are 10 year old Enoch Tshepo Motshelanoka, 3 months old Elizabeth Moiphithi, her mother Annah and 36 year old Sivuile Pei. He also admitted to all the accounts of the attempted murder including the attack on the 3 year old Onkarabile Luthalo who lost the use of his left hand and he admitted to physically wounding 8 of his victims. Nell also told the court that he did not possess a license for the 303 calibre BSA bolt action rifle that he used to kill and wound his victims. The case has been scheduled to take place from Monday to Friday this week.

We table the statement with the full knowledge that this matter is still sub judicare we further hope that this matter will be brought to conclusion and a sober decision by Judge will be made in the interest of justice. Finally, we must state our unequivocal

opposition to racism in all its manifestation. We wish to restate our commitment to the fight against the demon of racism. I thank you.

HON. DEP. SPEAKER:

Any Member wishing to comment of the statement.

HON. MOKAILA:

May I rise to advice your House that the statement made by Honourable Baloyi deals with matters which are still being dealt with before the Mmabatho High Court. It would therefore be advisable I would suggest that the statement may have to come back to the House until there is conclusion on matters that he has raised. For instance, there is no court ruling on whether the admission of guilt is admissible or not which the statement has made reference to and the Rules of your House provide that we not deal with matters which are pending before courts.

HON. DEP. SPEAKER:

I think Honourable Baloyi in his statement also indicated that the matter is sub judicare but I think he was doing a preliminary without touching on the matter that

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the court is still have to decide. He was in fact briefing us about the proceedings on that case, what was said and what was not said what types of rifles used and not used, what are allegations and not allegations. We are proceeding to the next item.

**SECRETARY: ITEM NO.5:
ANNOUNCEMENTS,
TABLINGS AND COMMITTEE
REPORTS**

HON. DEP. SPEAKER:

Before we go to the ATC, let me now invite a Member of Executive Council responsible for Economic Development & Tourism Honourable Darkey Africa to give a report on the status of the MIDZ annual report 2007/08.

HON. MEC AFRICA:
[INAUDIBLE]

HON. DEP. SPEAKER:

Could you move closer to the microphone?

HON. DEP. SPEAKER:

I take it that the House agrees. MEC Africa withdraws the report and retable the report the reason is the report that will be tabled will be an attempt to be in

full compliance with the requirements of the PFMA. The report tabled does not satisfy all the requirements contained the provisions of the PFMA. So the report is withdrawn and we expect the re-tabling of a proper report that will be referred to committee for processing. Agreed?

HON. HATTINGH:

Deputy Speaker, you have mentioned that we have to fulfill the requirements of the PFMA. In terms of the late submission of annual reports of any public entity or department is a requirement of the PFMA that such explanations should be tabled in the House not only heard in the House. The purpose of that is that also should reach the Office of the Auditor General. I request that the Honourable Member responsible should table the reasons and not only written.

HON. DEP. SPEAKER:

I take it that Honourable Africa referred to the letter in his withdrawal. The only part of the tabling that is missing is the circulation which we will do before the end of the sitting. Do you agree Honourable Africa?

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HON. MEC AFRICA:
[INAUDIBLE]

HON. DEP. SPEAKER:
We will take care of that for circulation.

HON. HATTINGH:
Honourable Deputy Speaker, we have been here before, the crucial words I am tabling was missing and we should also stress that sending any documents to the Speaker's Office does not constitute tabling. Thank you.

HON. DEP. SPEAKER:
Let us now proceed to the ATC of today and start by inviting Honourable Mokaila to table the report of the portfolio committee. But before we do that, let me take this opportunity to apologize to Honourable Members that screen in front of you there is supposed to be having a speaker's list for the annual reports debate that are going to take place today. Honourable Gerber we have a technical problem that is why the list of speakers will not reflect on your screen.

What I will do I will call the names of the people that are

going to be speaking on a particular debate so that the House has a picture of the people who are going to debate. For instance on debate on annual report of the Premier, the speakers will be Honourable Mahlakeng, Honourable Matladi, Honourable Groenewald, Honourable Hantise, Honourable Moalusi and Honourable Baloyi. That is the speaker's list I have received.

HON. MEC MANGQO:
Just to bring to your attention that not only that we don't have the speakers list the screens are not working, it must also be recorded.

HON. DEP. SPEAKER:
Thank you very much, that is the reason that I had advanced for not having the speaker's list there I said we have a technical problem with our screen in the House. I apologized for that as well.

HON. MOKAILA:
Thanks Deputy Speaker, because your ATC is not working, my understanding that you understand that we are tabling what we call a consolidated committee report which report

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by its tabling will also simultaneously table the following reports:

- Annual report of the Department of Economic Development & Tourism
- Annual report of the following entities: North West Development Corporation
- Invest North West
- Gambling Board
- North West Parks & Tourism Board
- A report of the committee on a response to the MEC on the withdrawal of the MIDZ report.
- Committee report on the finance and fiscal commission report
- Finance department annual report
- Contingency reserve annual report
- Report on the committee on the consolidated statement on performance of municipalities for the period ending 30th June 2008.

We have on a number of times corrected your proceedings that the report which is reflected in the business deferred to committee we have actually been dealt with by report in this House including the department withdrawing the said report and

the committee has subsequent to that deal with a new consolidated report which deals with the period ending June 2008. This matter has repeatedly been brought to the attention of proceedings and for some reasons just continue to appear as it is on the order paper but it has been corrected previously.

HON. DEP. SPEAKER:

Let me now call on upon Honourable Mahlakang to table a report of the portfolio committee.

HON. MAHLAKENG:

Thank you Deputy Speaker and good morning to you sir. May I on behalf of myself and the portfolio committee table the following PSC reports for the information of Honourable Members on:

- the fifth of consolidated public service monitoring and evaluation system report
- the assessment and disability equity in the public service
- turnover rate of heads of departments and its implications for the public service
- evaluation of the consistency of the sanctions imposed for misconduct

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I am tabling these PSC reports for the information of Members and also as an attempt to clear your order paper. Lastly I wish to table the report for the Legislature for debate at a later stage this morning.

- finding documents of the organization performance assessments in the PSC
- Auditor General's report on the delay in the tabling of the annual report of the North West Province 2007/08

HON. DEP. SPEAKER:

Let me now call upon MEC responsible for Community Safety. I'm not sure whether Honourable Vilakazi has requested somebody to stand in for him; I'm not sure, the report on the SAPS.

These reports stands referred to respective portfolio committee except the SAPS report which is tabled for Member's information only. We now proceed to the next item.

**SECRETARY: ITEM NO.6:
DEBATES ON ANNUAL
REPORTS 2007/08****HON. MEC AFRICA:**

Thank you Deputy Speaker I, on behalf of my colleague, hereby table the National Commission of the South African Police Services report 2007/08.

HON. DEP. SPEAKER:

Let me now invite Honourable Mokaila to lead the debate on the scrutiny of the annual report of the Department of Economic Development, Tourism and Public Entities.

HON. DEP. SPEAKER:

Honourable Members let me also take this opportunity of tabling the following PSC reports in terms of Section 196(4) (e), of the Constitution of the Republic of South Africa, Act 108 of 1996.

- report on inspection of service delivery sites
- report of the monitoring flat sheets on complaints lodged with the PSC during 2007/08

HON. MOKAILA:

Thanks Deputy Speaker, it is also my impression that you have the understanding that we are debating both the annual report of the department and that of all the public entities which report under department. We have styled our report in a manner that saves a lot of your

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time this morning by putting together a consolidated reflection of the committee. On these issues the department and public entities over a period of engagement of the department dealing with matters which are current in terms of the financial year under review but also dealing with substantive policy issues which the committee believes that should be looked into by the department on the public entities in question.

We therefore have elevated the report beyond the question and answer session which normally characterize the debate in your House. I therefore move quickly without delay to just pick two issues which arise out of the report which we believe we need to put before your House. Firstly, in response to the letter of the withdrawal of the MIDZ annual report we have dealt with this matter as a committee, the view of the committee is that whilst the House has accepted the withdrawal of the annual report, the House should further take a resolution that says that the current audit being performed by the auditor general cannot be performed in the normal course of audit like all other

department who have dealt with one financial year.

Nothing that we are dealing with a historical audit which spreads over 8 years, our view is that the audit of the auditor general should be expanded in terms of reference to include elements of such audit which are normally conducted under instances where forensic investigations are conducted within departments and entities so that we close the 8 year period sufficiently confident that all issues related to the finances of these institution have been dealt with. Secondly, the matter that arise out of the briefing by Gambling Board which matter deals with the ever escalating incidents/cases of illegal gambling in the province and how the province is responding to deal with such matters.

The committee will like to recommend that what should be called a joint provincial task team on illegal gambling be established between the Gambling Board, department and SAPS to ensure that we offer a much more consolidated response to illegal gambling and that we deal with these cases

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once and for all. Having isolated those two, we are recommending that the annual report of the department be adopted by your House; the annual report of NWDC be adopted, annual report of Invest North West, Gambling Board, North West Parks and Tourism Board and that that the withdrawal of the MIDZ annual report be accepted in an addition/expansion we are making on that recommendation. Thank you.

HON. DEP. SPEAKER:

Thank you very much Honourable Mokaila, the next speaker on my speaker's list is Honourable Matladi.

HON. MATLADI:

Thank you Honourable Deputy Speaker, Honourable MECs present today, my colleagues, members of the public in this august House. The provincial annual average percentage growth measured by the GDP was 4.3% against a national figure of 4.5% and this places the province at number 5 among the 9 provinces of South Africa. The province failed to match its PGDS target growth of 6.6%.

The Agriculture, Forestry and

Fishing sector in the province has continued to decline from 6.3% in the year 2002 to 2.8% in 2006. Tourism has been identified as a key industry for the future in the province but the challenge is the lack of system to track its performance in the province as well as in the country. During the year under review, 97 vacant positions were advertised but not filled. No learnerships were implemented, there is no gender focal person and gender issues are addressed on ad hoc basis. Out of 6 misconduct cases, only 2 have not been resolved. Only 1 case in dispute cases was resolved out of 3 cases.

The implementation process of the performance management development programme in the department did not adhere to policy requirements. Revenue collection on sales of goods services other than capital goods was at 248 thousand lower than the targeted amount of 2.1million. There is no monitoring and evaluation on projects in the Department of Economic Development & Tourism. The auditor general raised the following matters in the department;

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- The accounting officer did not take effective and appropriate steps to collect all money due to the department.
- PFMA Section 38(1)(c) was also not adhered to
- Fixed asset register was not properly maintained and did not contain sufficient details as required by the North West Provincial Guidance and Procedures for fixed assets.
- Invoices of 50.6 million were not paid within 30 days from receipt of the invoice.
- The accounting officer did not put any effective and appropriate steps in place to ensure the prevention of unauthorized irregular and fruitless as well as wasteful expenditure
- Systems generating performance information are inadequate for purposes of evaluation.
- Like many departments and entities in the province, SCOPA resolutions were not implemented by the department in the year under review.

1. Invest North West
 - R14.9 million
2. Mafikeng Industrial Development Zone
 - R41.2 million
3. North West Gambling Board
 - R12.2 million
4. North West Parks & Tourism Board
 - R111.1 million
5. North West Development Corporation
 - R30 million

It makes a total of transfers to R192.5 million. It is very disappointing to note that the use of the R192.5 million transferred to public entities is not monitored by the department. To add salt to the wounds or fuel to the fire, the Honourable Member of the Executive Council responsible for the Department of Economic Development could still argue with the portfolio committee that it is not his responsibility to account for funds transferred to entities that entities must account for their budgets. It is regrettable to conclude that arguments such as this would suggest that no monitoring and oversight will ever take place in the transferred funds to entities.

The department has transferred the following funds to public entities:

The Gambling Board had a

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challenge of fight illegal operators which led to consistent litigations and the warrants could not be obtained to pending high court cases thus rates on illegal operators were severely limited. The portfolio committee supports the Gambling Board's efforts to regain the fifth casino license in the province. The entity received a qualified audit opinion based on cash flow statements, property, plant and equipment, operating leases, trade and other payables accumulated surplus license fees and levy surrendered and related party disclosure notes.

Since the establishment of North West Parks and Tourism Board in 1997, the board was the successfully leading entity in the province. It was also the highest entity financed in the Department of Economic Development & Tourism as presently at R111.1 million, the highest amongst the rest. Its mandate included establishment development and efficient of a network of formally protected areas in order to conserve indigenous buyer diversity, representative samples of national eco-systems and habits of critically important or faulty species

and also to facilitate the development, coordination and promotion of tourism in the province.

Recently, performance in this entity has been dwindling reports of fraudulent activities involving the CEO and other officials were received by the committee, these led to forensic investigations which confirmed the CEO and some staff members had registered companies which did business within the entity against the regulations. The CEO was not available to appear before SCOPA and we need the support of the House that the matter be treated with the urgency it deserves since the report says the CEO has ever since relocated to Mpumalanga is no more serving the North West Province but we would like answers pertaining to how funds were used especially against the PFMA.

Invest North West is doing very well in promoting the image of the province as a destination for trade and investment through the facilitation of trade and fix direct investment opportunities that create value for investors and jobs for the people of the

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North West. The entity received and unqualified audit opinion, it has to pay attention to the following emphasis of matter that appear on page 94 of the annual report restatement of corresponding figures, matters of governance also page 95 the one on the audit findings regarding performance information up to page 96.

As I draw to the conclusion of my debate on this annual report, allow me to state that there is suspicion that there is foul in the management of MIDZ in the province of North West in the Economic Development & Tourism department. That could be the major reason why for the solid 8 years, this entity has failed to produce the audited financial statements. Today, we cannot debate this annual report of the MIDZ due to the bad practice by departments of tabling, withdrawing, re-tabling and delays in submitting to the auditor general's office as the Honourable MEC was reading a letter of explanation to us.

The UCDP supports the recommendations that; in addition to the audit being conducted by the auditor general presently,

that there be an extended audit beyond areas that are normally covered when departments and entities are audited. I wouldn't leave this podium Honourable Deputy Speaker without mentioning the fact that we are concerned about the 70 million that was not used well in the NWDC which the department has explained that it was used for the salaries of the then judicial managers that were placed in the entity. The question we are asking the Honourable MEC through you is to tell us if he is saying all is well and leaving the matter to rest, or will he pursue that taxpayer's funds be used accordingly. I thank you and we support the annual report.

HON. DEP. SPEAKER:

The next speaker on this debate is Honourable Madoda and he seems not to be ready. Once Honourable Madoda has completed his debate we will then give an opportunity to the MEC Economic Development & Tourism to respond.

HON. MADODA:

Honourable Deputy Speaker, the report of the committee covers a good range of issues that department needs to focus on.

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We are pleased about the general improvement and positive direction that the department and its agencies are undergoing with regard to their finances and the audit performance. The vision in general trusts of the department and its agencies in bringing about economic development are commendable; so far the provincial development strategy and the plans for economic development as lead by MEC Africa give us a sense of hope.

All the efforts of the agencies such as Invest North West and the NWDC and the department itself are noted. We would like however, to emphasize the committee report point on the restructuring of these agencies. We believe that these agencies need to be re-looked at; they need to be fine tuned. We believe that because of the challenges that are continuing to grow on Economic Development that are so flex and dynamic, the department has constantly to be looking into restructuring and retuning this vehicles.

We wish to request the MEC to continue to look into the financing and skilling in order for them

to perform optimally. The general environment where these agencies are merely survivalist in nature and are burdened with huge and sustainable debts on general exist to pay salaries is not acceptable. The NWDC for example is simply not in a position to service its debts and its revenue is now limited to rental income and that agency is therefore in big liquidity problems. We therefore call on MEC to look into this matter but as he does so, we also request him that there must not just be self sustaining this agencies, they've got to be competitive ensure value for money.

We wish to call on MEC to put some energy and focus on the performance of our province and the economy and BBBEE mining especially needs to be accessed as to the extent of local participation especially of blacks of women and of youth. We continually need to have a picture of how we are performing in this regard. We will therefore ask the MEC in addition that why don't you have an increase on continued and sustained research work in the area of economic development activity. Issues ranging from the per-

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formance of our economy in this province to the impact of our skills efforts, training and education to deliver requisites skills to the economy to the performance of our strategies as well as the impact of external environment to us. All of these need constant monitoring.

We will therefore request MEC that let us put some energy into recess work. Finally the issue of irregularities and alleged corruption in the Parks and Tourism entity, this issue has been running rounds for some time long but we have always been comforted by the spirit of manner in which our Premier has sought to deal with corruption in this province. We are therefore confident Honourable MEC Africa that you will expeditiously deal with this matter and dispose of it. In conclusion, I wish to support the motion that the report of this department be adopted.

HON. DEP. SPEAKER:

Before you respond Honourable Africa, it's important for you to know and the House that today is an important day for me because it is the day on which I was born.

HON. MEC AFRICA:

Honourable Deputy Speaker I hope I will not spoil your day but in any case happy birthday even if we don't know how old you are, but we hope that you are old enough and wiser as you progress into retirement old age.

Let me thank all the Members to insightful contributions give us an indication that Members will continuously and always engage with the fundamental and substantive issues that face our country and our province in particular because of the fact that we are grappling with systems of government whose responsibility to provide services to our people is quiet central and we therefore need to continuously as we go forward where possible review the manner in which our systems are working so that we sharpen the impact that they need to make.

I want particularly to thank the chair for the manner in which the chair has directed greater focus on substantive and policy matters from the committee so as to enable the department to reflect on the weaknesses that continuously beset the efforts we undertake to provide servic-

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es and respond to our policy imperatives. We hope and believe that this will assist us to further as we reconfigure reposition and also access our impact we will be able to do so with the benefit of the wisdom coming from the committee and in particular the chair.

We agree with the committee and I need to make this point that it is always easy to make a judgment sometimes are historically without realizing that factors continue to contribute to particular problems unless we deal with those factors appropriately. In this regard, I'm referring to the MIDZ. The MIDZ was found in 2001, at the time that the MIDZ was founded and formed, there was neither policy nor strategy in the country it was the enthusiasm that sometimes compelled us to develop mechanisms to make interventions in areas where naturally and historically the economy was facing serious decline.

The host economy here you may be aware, was also facing seriously decline precisely because subsequent to the new dispensation. There was a need to review entities that were

participating in the economy generally and if you can still recall entities such as Agricor and many others whose role was seen to be peripheral were reviewed and it became necessary to focus on how we could take advantage of the gap that was beginning to emerge. South Africa and not every province had done that at the time, only a few provinces had focused on that and the North West was one of them. We focused on the need to create such an entity but there were problems there was no policy as I said, there was no strategy there was no national framework but there was a commitment that was sincere to address these gaps that I have referred to.

It is only last year recently that clarity was beginning to emerge on what IDZ are supposed to do in South Africa. IDZ throughout the world are supported as part of a national effort to industrialize. They don't become the burden or the exclusive responsibility of a province. We have been attempting to engage national and therefore we share the committee's concern that over the last 8 years since 2001,

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there was never a report and remember this organization we had to remove from the clutches of consultants. It was run there, we took it there in 2004 and made sure that we now look at how we can make this organization effective.

We wanted to conduct a forensic investigation at that time; we requested information from people who were running the organization on our behalf. There was no record whether it was deliberate not to give us the information we do not know neither can we make that conclusion without the facts, but there was no record. We then continued to request the auditor general's office and there is a report to that effect if Members would be interested we would give them that report in which the auditor general indicated that there were problems at that time.

We proceeded to protect the organization requesting everything that can make this institution a structure that qualifies properly to receive money from government and you may be aware that this MIDZ had a problem of the license. All

efforts attempted at that time, were not successful, regulations were produced, the manufacturing development board was responsible to help in this regard nothing was done. It is only now that one organization because the license has been brought back can then begin to function. The license is an abler but the IDZ to be factual does not exist because there has to be an operator permit for which an application has been made already with the business plan.

The history of how this organization was managed purportedly on our behalf by this consultant is Checkcut we have information which in line with the committee's recommendation we are going to put to the process suggested that we needed a deeper forensic investigation. But we would also want to caution that we need to get the financials first because this organization must invite investors nobody and we are quiet frustrated because we have gone to people who said show us your books, there are no books and they said we can't enter into arrangements with such an organization.

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You will recall that we announced that EC Harrys was going to build a minerals park there, they were complaining about the license, we brought the license they then said show us the books we couldn't and we thought that the host economy requires and needs this intervention and therefore we must do everything possible to create some kind of a basis for a clean audit of the organization. I would in supporting the committee and further suggest that let the audit be concluded as quickly as is possible. There is nobody who is under any illusion neither would we delude the House to anticipate a clean audit.

I have in fact in my discussions with the auditor general's office said we know that this is going to be a disclaimer but at least we will know that we have reconstructed the history and therefore we know what the problems had been and that will help us. And on that basis of that, it would be proper that such an investigation be conducted. It may well be proper to do it quiet effectively as soon as is possible because GTI as said to us by January 2009 we want

to announce and grant the operator permit to the MIDZ. We are quite worried that unless we have cleaned this and that is why we are putting pressure on the auditor general's office we may not and we value this organization.

The host economy and generally the economy of the North West would need such an intervention and none of us particularly ourselves on the Executive and myself in particular would do anything to undermine the effectiveness and the integrity that must characterize this organization so that it can assist us, so I agree with the committee. I agree also that indeed the illegal operation, we have introduced what we call LPMs (Limited Payout Machines) I have seen an editorial of the "Mail" which seems to suggest that this is a better idea without necessarily understanding the facts but we will engage with that at an appropriate time.

But the limited payout machines were intended because the industry is mushrooming irrespective of what our view our people are continuing to do that so we said two things that

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needs to be done in order for us to expose people to open up and ensure that the gambling industry is not dominated by only an exclusive group of people who are unfortunately whites. It is only recently that a few black people have got casino licenses elsewhere probably in the Northern Cape and also in some provinces. But it has always been dominated by them and all of us who understand the history of the Bantustan history will confirm that the culture here was more dominant and none of those who were black in the then Bophuthatswana Bantustan owned a license of any casino of any shape or make and that was extended throughout the country.

Therefore the LPMs are intended to say to people who are illegal here is an opportunity don't operate illegally come and apply these small machines are there they are operating already we confiscate them but we also want to open space. We also want tourism or entertainment to go with this kind of thing so that people to a shebeen sit there; there must be this kind of activities that they are engaging. We are quite conscious of some-

times the unintended consequences of introducing new things and we are going to be conducting regular evaluation and reviews. There is what is called the responsible gambling monitoring unit at national level which continuously looks at the impact of gambling in South Africa.

We will not do this without looking at the effects and the impact and therefore in addition to doing what we are doing with the LPMs we want to endorse this special committee which we have been discussion as we meet with the board and other people who are in this industry and the police to say we need to do something that will help us. We sincerely and appreciate. We are happy we are not absolutists, we are happy that we operate in a global environment; we can never be an island when the global environment is dramatically changing when the credit crunch is impacting on developing economies.

We are proud that the foundation at the policy and structural level that we have set and laid as South Africa and in particular as the province has assisted us

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to be number 5 had assisted us to grow the economy satisfactorily because our assessment suggests that things are moving. You must remember that we said until 2014 we want to see the economy in 10 years time growing to 6.6%. If it grows well as it is doing although there are now problems as I said, we are happy. We need to review all our expectations in the light of what is happening all the country are looking at how best can we caution and insulate ourselves against this dynamic and real crunch where the financial sector is particularly affected and therefore brought into the mainstream economy.

South Africa is well placed and we are not saying it cannot be affected, we are saying its well placed to respond positively and we hope that we will be able to reach our target of 6.6%. Tourism reason is a very complicated and complex area, tourism is not about people coming to South Africa is about you and I appreciating the beauty of the country and utilizing the facilities that we want people to utilize as well. To go to the parks many of us don't do that so that we can two elements of

tourism international and domestic tourists we depend on those platforms for tourism to succeed. When people after 9/11 did not travel it affected tourism generally and in particular the North West.

We cannot sit here and pretend that when we loose money in the dark we will try and operate under a particular light somewhere there. We must deal with the problem as it appears before, it would be unfair to say that we are not doing anything to try and attract tourists. We have a tourism marketing strategy we were recently in London and it was very clear that the credit cruncher has affected this industry terrible. What had happened in the past was not very visible. We are worried that the credit crunch is making it very difficult shrinking the financial potential of people to travel and South Africa has been affected if you recall the Minister did indicate.

Our numbers are very good but there are sitting destinations that we want to target we can't precisely because of this but we note that indeed we have discovered over many times we

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have been made to believe and on activities that were developed with the intention to promote tourism as it were but those activities when we look at things now we realized that all the things that the parks board was made to focus on were things that were undermining its administrative efficiency and effectiveness. There was no forensic report I must correct this, it was an auditor general's report which was a discussion document basing all the conclusions and recommendations on the facts they were given not the fact they might have proved and we therefore want to probe and that's why the board has appointed Edward Neithing, a very reputable of experts to conduct this forensic investigation.

We believe that none of these firms will compromise the integrity by listening to me or the board on how the outcome must look like. They are not that dumb to listen to me to tell me the conclusion must be as follows and therefore I believe in the integrity of the company that will be conducting this forensic investigation and that report whether I am here or not will come before the committee and

they will engage with the report in a manner appropriate to determine what has happened. We note that there were problems about filing of posts and we will deal with these matters we are currently and we've been instructed it's a national reconfiguration of department of economic development.

You will see that the reconfiguration in South Africa is different, in one area the Department of Economic Development has got environment in another it doesn't have, in another it has tourism in another province it has planning. And this when we deal with one space economy becomes problematic and therefore the Department of Finance nationally has developed a framework and will us to deal with the issues of capacity in the department. In addition to that, we have on our own conducted a competency assessment of skills in the department to determine whether people succeed only at interviews or whether after interviews people would be able to deal with the challenges of administering complex policy within the economic and tourism environment. We are doing all that to try and correct our sys-

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tems and respond to the PMDS and adhere to that policy.

We note that indeed it's a challenge where we expected people to do things and we depend on them and we collect from people who are operating in the casino and industry. For many years we have not been able to increase the levies, if you can revisit my budget speech I did say we are going to review the levy so that we can increase our revenue collection. We are now doing that we are going to use the regulations not the Act to increase the levies. We know the industry is going to challenge us but we are ready for that. Before the end of this month the beginning of December we shall have issued a proclamation to that effect to allow them to comment to engage them but we are going to do it.

We are the only province that had a system which has been there for a long time because the industry was complaining about the manner in which we are calculating. We have now determined that we can calculate and we will now have a system where we will know that

Sun International is declaring this kind of profits and in proportion to that this is how much we are to get. There will be a system that will automatically reflect what people are getting there and also calculate what is due to us. That is not there so we are going to put that system in place and I believe it will help us to get to grips with the industry.

There are weaknesses in projects management generally across the board and we are worried also. You may have seen in one of the newspapers we are trying to advertise for what we call a project office but we have also agreed that we will discuss with DBSA. We have a memorandum of understanding with them, we will discuss with them to try and get that. It is a general problem in government even you yourself as a Legislature you are aware that in certain instances where you have projects there are problems you also have projects it doesn't mean we are the only ones in the executive who got projects. You are also running certain small project when you go on your own public hearings you have the project you have to provide people with certain

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services, to organize people to get them to come to you meetings and so on. Sometimes you experience problems just like us and therefore we are looking at how best we can do that so that project management becomes an effective tool for service delivery in the public sector.

But we must never be deluded to think that we can make the public sector the private sector and it can operate effectively. You know what happened in the private sector things are bad there, systems which we thought will never collapse are collapsing the banking system more sophisticated of them all is collapsing in one of the so called biggest economy in the world in America and it has affected all of us. So we need to balance the manner in which we react to some of the things we want to do in the light of what is happening globally. We have a meeting with the Accounting Officers of all our parastatals; you may recall that I attended a meeting here when the auditor general was making a presentation.

I have engaged the auditor general several times on a one to

one basis trying to understand because I don't know accounting myself how they come to certain conclusion and what is it that officials are not doing properly that makes us always receive an unqualified report. Something that I have never heard Members mentioning to at least say despite all these problems, difficulties, challenges and weaknesses at least our officials have managed this time around to ensure that we get an unqualified audit. I think this is something that indicates a willingness and commitment on the part of the officials to do something good.

I think it is also proper sometimes to acknowledge and recognize these efforts and congratulate them for what they are doing despite all the weaknesses, despite the small budget that we have and all of you would know that...[interruption].

HON. DEP. SPEAKER:

Honourable Africa you should be rounding off.

HON. MEC AFRICA:

The other issue by saying that we appreciate the comments and we will take into account

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what Honourable Madoda had said and I think we appreciate that we have a unit responsible for BEE. We have written to the Minister to say we need a forum where we can discuss because we realize that many people who get projects here in the mines are not necessarily from the North West. We cannot be called the platinum province of South Africa and everybody else in the North West does not know how platinum looks like and everybody else is benefiting from platinum mining and other areas of mine.

We want to assure the committee that we will make sure that we follow up on this irregularities at the Parks Board and we are going to write to Mpumalanga to request them to avail because its one system of government the former CEO because when we received the report from the auditor general, the former CEO decided to leave, we did not even know that he was going to leave were surprised. Therefore we are going to follow up and I spoke to my colleague in Mpumalanga to say we are very surprised to learn that he is working there when you did not ask us what

is happening in the North West province.

I want to thank Members and many of these things that have got long term implications will be addressed appropriately and those that have got short term implications will also be dealt with and we hope that the advise and insights provided by the Members will assist us to correct whatever weaknesses continuously government continue to correct weaknesses and it is this debates that assist in that regard. Thank you very much.

HON. DEP. SPEAKER:

Thanks Honourable Africa, now I have a pleasure of inviting Honourable Mahlakeng to lead the debate. Before we proceed to the next debate does the House adopt the report? Honourable Mahlakeng is now invited to lead the debate on the annual report of the Office of Premier and before you proceed may I just confirm with Honourable Africa that he would be standing in for the Premier or for the acting Premier but it is interest is that he would response to questions as raised on and around this debate.

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HON. MAHLAKENG: Thank you Deputy Speaker and happy birthday. Somebody did send a note the person is known to me wishing me a happy birthday unfortunately much as I was born at the same year with you I was born six months before yourself so I will send that note back to you. Honourable Deputy Speaker on behalf of myself and the portfolio committee on Developmental Local Government & Housing met on the 10th of October 2008 pursuant to chapter 6 of the Constitution of the Republic clause 114(2) (a) which gives the North West Provincial Legislature powers to make the departments in the province account.

Office of the Premier in terms of its mandate did brief the committee in terms of their annual report and amongst other various issues that they raised were the fact that they were able to achieve proper coordination and governance of the departments and they also claimed that they successfully launched the anti-corruption forum and many other issues that they raised. Notwithstanding all these issues that they raised, the com-

mittee raised a number of other concerns and amongst some of these concerns were the fact that the report does not give a detailed account on how the office has tackled the issues of poverty, unemployment, crime, as well as skills development.

The committee also raised a major concern around the renewal of contracts of senior managers beyond the term of office of the Premier herself. And that there was much more money is spent on salaries as opposed to poverty alleviation programmes. That there was lack of uniformity and accountability of entities under the office such as Are Ageng, Youth Commission, Youth Development Trust, and Office on Status of Women and Office of Persons of Living with Disability they have never been able to present their report before your committee. The other issue that was also raised was the underperformance of municipalities such as Tswaing, Ditsobotla, Ramotshere Moiloa, Dr. Ruth Mompoti and many other municipalities in the province.

The capability of the anti corrup-

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tion forum to deal with the escalating rate of crime in the province was also sharply raised and the also the concern was how does the forum relate with other institutions fighting corruption such as SAPS, Crime Intelligence. The matter of the Housing Corporation in relation to the sale of flats more specifically was raised as a concern. The inability of the office to help other departments to have unqualified reports. An issue relating to the sudden and stormy resignation of the Chief Executive Officer of the North West Parks and Tourism Board. The committee recommended the following:

- That the report should reflect on how the office has dealt with issues of poverty alleviation, job creation, corruption as well as skills development programme.
- Make sure that all traditional leaders are remunerated accordingly in terms of Section 29 of the Traditional Leadership and Government Framework Act, Act 41 of 2003.
- That the office should have a hands on approaching assisting municipalities to perform better.
- The office should further address the matter of the sale of flats with speed and ensure that

proper processes are followed.

- The Premier should give a clear account as to why she felt it necessary and important to extend the contracts of senior managers beyond her term of office.
- The committee also noted that these may legally be contested by other people but nevertheless, it does not make sense that the contracts can be extended beyond her term of office in a manner in which it has been raised.
- The office should develop an effective staff retention policy.
- The office should ensure that all entities such as Are Ageng, Youth Commission, Youth Development Trust, Office on Status of Women, People living with disability are accountable and operating uniformly.

With all these recommendations the committee however, felt that we should congratulate the Office of Premier on the work it has done in relation to the coordination of governance in the province and that the committee further applaud the office for having acquired an unqualified report and propose that the report be adopted by your august House. Thank you very

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much.

HON. DEP. SPEAKER:

Thanks Honourable Mahlakeng, the next speaker on the list is Honourable Matladi.

HON. MATLADI:

I have already greeted Honourable Deputy Speaker, ke ne kere o gole gole o be o lekane le tlou.

Wednesday the 29th of October 2008 presented itself with a shameful bitter and humiliating eviction of the Ga-Thole flat tenants. This came as the result of the EXCO's failure to implement the resolutions of this House which were adopted on the 13th September 2008. Among these resolutions, was the one that stated that the sale of the flats should be stopped until the whole matter has been discussed and resolved. Irrespective of this resolution, EXCO continued with the sale of flats.

During this eviction people got injured, lost their property and became homeless. On Tuesday when the Acting Premier responded to the questions I posed regarding the matter the

document he tabled was different from the one he read and he promised he would give the Speaker's Office the correct copy to be given to Members, I believe it is there. The response the Honourable Acting Premier presented was proof of the fact that a day might never dawn on which these resolutions could be implemented based on the explanation, references that were given in the response.

We would like to say whatever problems that EXCO might be facing, in looking into the matter, we humbly request that people that are tenants at Ga-Thole flats should not be left destitute. They are the citizens of this country; province and they deserve to be treated accordingly. Go mme moPremier in absentia re rata re mo raya re mmangwana o tshwara thipa ka fa bogaleng. Many times she has been a person that listens and we believe even in this regard she would take heed of the advice and contribution of opposition parties.

Coming to the annual report of the Office of Premier, we have always appeared in this House and said the office is leading in

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example. The matter that has already been presented by the chairperson of the unqualified audit opinion is a very positive point in the Office of Premier and it has been so for many years in succession. What we are requesting is that fee departments including Honourable Darkey Africa's department, that received unqualified audit opinions should increase including others that are still getting qualified reports and disclaimers so that our province can do good service delivery to its people. We are however concerned about entities in the Office of Premier which failed to be accountable for the funds transferred to them. A typical example is the Youth Commission which has presently failed to table its annual report for the financial year under review.

Little is known of what this commission is all about once you heard about it is only about is during the youth month, that is June every year. The question is, is there any monitoring in this commission by the Office of Premier? The office of Status of Women and Persons living with Disabilities has its own prob-

lems. Not all departments have focal persons like in the Department of Economic Development & Tourism. In the departments where they exist, they are changed every now and then and very often officials who cannot make decisions are placed in this position. This has led to failure of growth, development and service delivery in this office.

During the year there is silence regarding women issues until August the 9th, and after August the 9th silence again until the following year August. Municipalities are also a concern because of their underperformance such as Tswaing, Ditsobotla, Dr Ruth Mompati and Naledi municipalities. The collapse of these municipalities spells out negatively toward service delivery. Traditional Leaders in the province have complained that they are unable to have control over matters affecting them as an institution because of being controlled by the Office of the Premier. They only realized their budget allocation during the interaction with the portfolio committee.

The institution also raised their

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concern regarding the trust fund which was taken from them by the provincial government since 1994. They do not have any access to this fund and the traditional Leadership wants to enjoy the same benefits as their counterparts in other 8 provinces of South Africa. As the UCDP as well, people that started the fund that the Traditional Leaders are talking about we are very keen to know of what is happening to this trust fund and how it benefits magosi.

The office is too slow to date council offices for Traditional Leaders to resolve shift and ship conflicts, to replace outdated laws. The Provincial Government has no policy to bury chiefs with the dignity they deserve. Only one municipality in the province Ngaka Modiri Molema has dikgosi represented in its council. What is happening to Merafong, will it remain in the North West or is it taken or being taken back to Gauteng, can we be updated in the matter. If it goes back to Gauteng what about Mabopane, Ga-Rankuwa, Temba and others that also went to Gauteng when we got Merafong, will they be returned to the North West

province?

We have always been worried about the equitable share of the North West province that got reduced because of this demarcation decision. Now, when Merafong goes back is it going to be further reduced in the coming financial year. There are areas in the province suffering from the shortage of water supply although the percentage given for water supply is 72.5% during the year under review. The refuse removal is the lowest at 54.8%, we are also concerned about the remaining 4.2% of the use of buckets system in the province. We are thinking that it could have long been totally replaced.

All the programmes in the Premier's Office have under spent during the year under review.

Programme 1	with a variance of	5.7%,
Programme 2	-	8.5%,
Programme 3	-	17.6%,
Programme 4	-	5.6%,
Programme 5	-	7.0% and
Programme 6	-	15.3%.

This under spending is done at the cost of service delivery. While congratulating the office for the unqualified audit opinion, we would like to refer the office

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to matters that have been raised by the auditor general on page 137 of the annual report that they receive the urgent attention they deserve.

As I conclude the debate in this annual report, I would like to state the fact that the United Christian Democratic Party supports the Premier programmes in her office, the efforts that she is taking in leading this province and we believe that where there are challenges and problems, should always refer, seek advice and do what would benefit us all in the province. I thank you Deputy Speaker.

HON. DEP. SPEAKER:

Thanks Honourable Matladi the next speaker is Honourable Groenewald.

HON. GROENEWALD:

Thank you Honourable Deputy Speaker, on the DA side we want also to congratulate you on your birthday today. Honourable Premier in absentia, Honourable Members of the Legislature, officials of the department, the DA wants to congratulate the Premier for still being in the office after a lot of discussion and fights in the ANC to put her

out of office. The decision taken by the Premier to stand for the chairperson position at the North West women conference was good thinking because that saved Premier's position in the Legislature as Premier.

It is not the policy of the DA to get involved in other parties political issues, but when it start to affect service delivery in the province, we as opposition must look into such matter and voice our concerns. I'm afraid that all things that happen in the ruling party's engine room since the Polokwane conference effects not only the North West province, but also the whole of South Africa. To have stability in the province and in the Legislature they must be trust with people who was supposed to manage the province to the benefit of the people who are part of the rainbow nation.

If you look into the many failures in the different departments of the Legislature, it seems that the Premier is only used as a puppet by own party and that she has no power and also lost to crack the whip when no service delivery takes place. However, it is still that South

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Africa is in a time where the people of South Africa make history in the political arena.

Although we live in these exciting times with many changes on the political horizon, the DA wants to congratulate the Office of the Premier with the unqualified report from the auditor general.

We really believe that the department will have great success with the launch of the anti-corruption forum last year. May this forum also have the power and capability to fight corruption in its entirety. The portfolio committee still wants to know how the Office of Premier is going to tackle crime and fraud in different departments in the Legislature. There is a number of corruption cases referred to the office and we want to know how they have been resolved. One of the biggest concerns the DA has is the issue of poverty, unemployment as well as skill development in the province. After four and half years in office, there are no really tremendous releases to help the people on these important issues.

Job creation must have the abili-

ty to be sustainable, that will give people trust in government and also the opportunity to plan better for the future and their families. The DA wants to know what happened and who was responsible when contracts of some senior managers were renewed and extended beyond the term of office of the Premier. That will be good policy if all stakeholders are involved in such important appointments for the new term. That also brings mistrust into the Legislature and damage a good relationship at the end of the day between different departments.

The way entities operate under the office such as Are Ageng, Youth Commission, and Youth Development Trust worry the DA because there is a lack of uniformity and accountability. It seems as if the Youth Commission operates seasonally and also failed to produce an annual report to the House. What are the office of the Premier going to do with all under performances of municipalities in the province, that not only harm the image of the province, but also damage the relationship between the consumer and the authorities in

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local government.

The way service delivery takes place in many of the municipalities are not to the benefit of any department in the Legislature. Policies are not in place and where some policies are obtained mayors, municipal managers and executive committees don't even give attention to it. The unhappiness on some of the Traditional Leaders is a concern to be addressed urgently because these are the leaders who have the ability to disrupt a peaceful community in the rural areas. I think if you look into the political arena again and what is busy happening in South Africa at this very moment. The Office of the Premier must listen to the Traditional Leaders and keep them happy and calm by looking into the way they are remunerated.

What happened to the declaration taken by the august House regarding the sale of flats in Mmabatho? Who are the person who were responsible for the sale of the flats and how can the office of the Premier allow that people who lived for many years in these flats just be

thrown out of their places? How can we sit in the Legislature just take notice and accept that many people who stayed and lived in these flats be removed forever. The DA asks for a serious investigation into this whole flat issue and if it is necessary a special sitting to resolve this urgent unhappiness of many residents in the flats. There are many imbizos being held over the past few years, there was a lack of report back to the people on many issues being raised by the public.

The Office of the Premier must look into this matter to have a better and successful mechanism of report back to the people. Although we have a very flexible situation in the province as well as in South Africa, it will always remain a challenge for the Office of the Premier to see that there are more sustainable jobs for the masses in our province. The DA believes strongly that the Premier has the power to see that all the people staying in the province be protected by the Constitution of South Africa and that everyone has the right to live according to the laws and that no one is above the law. The DA wish-

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es the Premier a lot of wisdom and strength for the next five months in office and we support the annual report. I thank you. Ke a leboga.

HON. DEP. SPEAKER:

Then next speaker is Honourable Hantise.

HON. HANTISE:

Ke a leboga motsamaisa tiro o gole o lekane le nna eseng le tlou.

Chair I just want to speak on three issues, the first one which I want to the House to correct in the report if its there is the issue that if the report really is reflecting that the committee says or recommend that the issue of selling of flats should be speed up. It is not really the issue raised by the committee itself, it needs to be corrected really it was never discussed in any meeting. Maybe it was just a slip of a tongue if the chairperson was not really reading the report or talking to his own mind.

Modulasetilo, ke batla le nna ke akgole lefapha la Premier gore le be le bone unqualified report le gaisitse mafapha a o a etelet-

seng pele. Re buile le lefapha gore ga go bothale gore fa o eteletse batho ko pele wena o be o ntse gantsi o bona dipholo tse di siameng mme batho ba o ba etelelseng ko pele ba le bokoa, ga gona bothale bope. Re akgola gore lefapha le be le nale repoto eo (unqualified report). Issue e ke batlang go bua ka yona ke anti-corruption unit e e dirilweng ke lefapha re buile ka yona thata, re ntshitse maikutlo a rona gore mo porofenseng ya rona despite the establishment of that anti-corruption forum e e beetseng thoko madi a a kana ka R10 million but corruption yona ya tswelela tsatsi le letsatsi. Despite that it has been established, goromente wa rona o nale units tse di dirang ka corruption, go nale commercial branch ...[Interruption]...

HON. DEP. SPEAKER:

Honourable Hantise just wait a minute, Honourable Gerber.

HON. GERBER:

Honourable Deputy Speaker there is no translation service at the moment, I can't understand please.

HON. DEP. SPEAKER:

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Honourable Hantise I put a request before you, the fact that we have the problem of translation I would request you to use any other language that will accommodate all of us. I'm aware that we have 11 official languages in South Africa but if there is one South African who does not understand the language we use, we still have the space to use another one that that member can hear.

HON. GERBER:

Honourable Deputy Speaker there are people to translate there, they just don't do it. Please he must be allowed to speak in his mother tongue.

HON. HANTISE:

Yes it is exactly what I wanted to go and say it is not my problem it is his problem.

HON. DEP. SPEAKER:

Honourable Hantise you may proceed re isitse molaetsa kwa go ba translation.

HON. HANTISE:

Modulasetilo, ntlha e re batlang gore lefapha le tle le e tthalose ka boripana ...[Interruption]...

HON. DEP. SPEAKER:

Honourable Hantise just a minute ...

HON. HANTISE:

I am not going to speak any language e o expectang gore ...

HON. DEP. SPEAKER:

No, no you will continue with your language ntate Pule. Ntate Hantise ke tlile go dira kopo ko go wena re nale mathata gore ke kopa ka tsweetswee gore o dirise puo enngwe because re nale mathata mo godimo. Translator e e teng ke e e utlwang isiXhosa fela le dipuo tse dingwe ga a kgone go translator puo e o e buang eo. Jaanong rre yole o nale mathata, ke tlile go kopa ka tsweetswee.

HON. HANTISE:

Modulasetilo ke tlile go kopa gore either this sitting be adjourned gore o baakanye mathata. It is not my problem you must fix these things you are not going to force me to speak any other language you want me to speak. Please can you adjourn this session, fix all these instruments.

HON. DEP. SPEAKER:

Honourable Members,
Honourable Hantise can you

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please sit down I will give you an opportunity to speak. I'm going to adjourn the House for about 5 minutes so that we take care of this problem. But you see, I must put it on record Honourable Members must listen I have never forced Honourable Hantise to speak any other language as he says, I've not forced you I said it more than 3 times I request I even said please. Now it is inaccurate for Honourable Hantise to imply that the Presiding Officer is forcing him to speak another language. Honourable Hantise please in future when you raise matters, raise facts not how you feel, not what you think raise what was said. I requested I even said please, I did not force you. For purposes of fairness I think is only fair that we adjourn the House for 5 minutes and we attend to Honourable Gerber's problem.

HON. HATTINGH:

Agbare adjunk Speaker ek verstaan nie wat jy gesê het met die vertaling werk nie. Kan jy miskien in Afrikaans herhaal wat jy gesê het. Ek sien jy het Setswana gepraat en ons hoor nie wat jy sê nie.

HON. DEP. SPEAKER:

I was simply saying that Honourable Hantise said I forced him to speak another language and I did not force him. I requested him to speak another language because we had a problem.

HON. HATTINGH:

Kan jy miskien dit in Afrikaans herhaal asseblief?

HON. DEP. SPEAKER:

We have attempted to address the problem Honourable Gerber and my apology to the House for the inconvenience. Honourable Hantise the floor is yours.

HON. HANTISE:

Tla ke dumalane le wena gore boammaruri one o sa m pateletse gore ke dirise leleme le lengwe. But also chair I don't understand gore why re tshwanetse gore re hire batho ba eleng translators ba sa itse four languages tse di buiwang mo, I don't understand that as well.

HON. DEP. SPEAKER:

Honourable Hantise go straight to the debate if you want to raise that matter you will have

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another opportunity to raise that matter and we will give an appropriate answer at an appropriate time.

HON. HANTISE:

Ntlha e ke neng ke e raisa ke gore ga go thaloganyesege sentle gore why Office of Premier e nale forensic mo lefapheng la yona e e sutisitsweng from the treasury operated all most 13 years in that department and deal specifically with same issues of corruption and investigations. Re be re creator another structure sa anti-corruption se se dirang ka the same matters, there is no logic.

This issue ga ke e bue e tswa mo go nna, it's a concern raised with department. On the issue that we all expect that the Office of the Premier e tshwanetse e bonale ele the office e eleng gore is the custodian ya molao, e tlotla molao, issue ya contracts tse di extendilweng were also raised with department. There is a provision to extend the contracts but the manner in which they were done in some of HoDs it seems ga go a lebelelwa gore molao wa reng because some of the HoDs ba

bone extended contracts tsa bo 5 years of which is not correct according to the law of this country.

This issue was also brought to the department sharply that really we are not convinced why this office despite that it got unqualified report, but there is this type of ignorance of law, we are not challenging the auditor general's office but these were picked up that this office go nale dilo tse dingwe tse eleng molao tse e sa di tlotleng.

Issue of flats like I have said that ga gona gope either ko portfolio committee either the Ad hoc committee established by your House ko go kileng ga boelwa gore the issue of the selling of the flats should be speed up. It was never mentioned anywhere. But despite that, flats were sold. Ke boela mo ntlheng ya gore the very same office e re tseileng ditshwetso mo gore that process ya go rekisa flats should be stopped flats have been sold we are also not convinced that the Office of the Premier as the head of the Executive as part of this House when we took those resolutions, what happened?

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That the Executive under the head of Premier ignored resolutions of this House gore ba feleletse ba rekise flats, re feletse rele mo situation e mme batho ba flats bale mo strateng it is not correct. Ga kene kere ke batla go bua only on those 3 issues kene ke batla fela go di tlisa fela to the attention of this House gore re a leboga gore repoto e kwadilwe, go gontle lefapha le office ya Premier le dirile sentle. Mo dilong tsa manyofonyofo ga le bonale le amega thata mme mafapha a gagwe otlhe a amega mo manyofonyofong. Dilo tse go botlhale gore kantoro ya Premier e leke go bona gore e thusa jang mafapha a. Ke a leboga.

HON. DEP. SPEAKER:

Thank you very much Honourable Hantise the next speaker is Honourable Baloyi.

HON. BALOYI:

Ke a leboga e re ke dumedise ditilo ka go latelana bagolo ba ba tshwereng dilo tse ka moka tse. E re ke gatelele se se boletsweng ke Honourable Hantise, corruption ke corruption ga e tlhoke polished language mme mokgatlo o nthometseng mo ga ke tlhola resolutions tsa

Limpopo le tsa Stellenbosch le khansele jalo le jalo, corruption ga ya letlelelwa. Gatwe go polish language ga ke itse gore efe ke santse ke e nyaka gore a ke part ya resolutions tsa mokgatlo o nthomileng kgotsa ke tlhaloganyo ya batho.

Why kere jaana ke gore go nale ntho e bareng ke anti-corruption forum le units, ke batla go gatelela dintlha tse di boletsweng ke Honourable Hantise and corruption unit e e mo tlase ga lefapha la office of Premier ene e bias. Why kere e bias e selective, go nale corruption ko bo masepala, mo Agriculture, Parks & Tourism Board porofense ya tuka ka corruption mme botlhe ba re didimetse ba bangwe ba polish language. Corruption ke corruption ga gona sepe se se tla emelelang corruption. Nobody can replace corruption whether o le technical kgotsa o le mang ga o kake wa replace corruption.

So go nale manyofonyofo a a leng teng. This unit ga o lateletse corruption e beilwe fela e ntse ga ke itse gore e rarabolola dikgetse tsa kae, e bias, selective ya bona unit e, e

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nale matlho a le 4 mo o kareng go soft ya ya, mo o kareng batho ba ga se ba yona ga e ye ya nna corruption unit e. Jaanong a re seka ra agang body tse eleng gore ga di bereke ke gore batho ba je fela ba tsamaye ba claim S&T ba nne fela ga ba itse le di terms of reference gore mmereko wa gagwe ke eng. Ke matlhabisa ditlhong dilo tseo. Ke yona language polishing. E ke reng ga nkake ka pholisha language ntate Mokaila. Letsatsi le ka se subele le ka subela ko le sa subeleng teng.

HON. DEP. SPEAKER:

Ntate Baloyi ke kopa gore as you address the House you should address the House through the Presiding Officer because I don't want disruptions and confusion in the House.

HON. BALOYI:

Thanks Deputy Speaker. The annual report Deputy Speaker of 2007/08 is not highlighting the results and the achievement of the PGD Summit Resolutions. Honourable Deputy Speaker indeed the provincial development summit was relevant and is still relevant because it underpins growth and development

linking it to the Gross Domestic Production of the province and the country. The critical question is Deputy Speaker, how have we implemented the resolution of the gross and development summit taking into account the resources that we have?

Deputy Speaker, we have 4 entrepreneurial supports in the province and we support all these centres because they empower our people. But what is not reflected on is the functionality of such centres. We need to have a monitoring tool to evaluate such centres. How do we ensure that the ratio in terms of gender is addressed in those centres? Honourable Deputy Speaker, one of the key issues that I want to raise is related to corporative governance principle Chapter 3 of the Constitution. It remains key and critical. There is no synergy between spheres of government. That is why go nale manyofonyofo a mangata a bo Mmasepala ba wa bo Ditsobotla, Ruth Mompoti re sa dire sepe.

One questions the agenda of NWPCC gore batho ba ba bolela eng? Ba bua yes, maar

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ba bua eng? And surely we must revisit meetings tsa NWPCC because go ya ka nna ga di tswela palamente, provincial government le batho ba rona. Implementation of Skills Development Act of 1998 remains a challenge Deputy Speaker to all of us. Do we have capacity to render this service? How have we integrated skills development taking into account organs of state? We have not. Batho ba rona ga ba rupellwa sentle. Batho ba rona ga ba itse tsamaiso ya madi mo mafapheng. Batho ba rona ga ba katsiwa sentle go dira gore they address the expectations tsa society, batho ba rona.

Deputy Speaker re tlo kopa thata gore Ntlo e e eteletseng pele ke Premier, e leke go rarabolola mathata a. whether 4 months e setse or motho o a tsamaya or jang? Se se salang ke gore goromente o tla nna a ntse a le teng beause o theilwe ke motheo wa Beibele. Go tla nna le puso whether mang wa rata le ga re ka tlhokofala puso e tla nna e le teng. Therefore tsa gore motho o a tsamaya, she must address all these issues. Supervision of local government.

Ga go ne gore tswela mosola go implementa Section 139 and re implementa selectively ko Ditsobotla. Ga o lebelela Ruth Mompoti, Kgetleng ga go diragale sepe. Di mmasepala ga di function. Re a le bona le a kopana at the level of NWPCC ko bo Orion kaekae, but one o a ipotsa gore le tlile mo for lunch or go diragala eng mo?

Because go kopana ba ka kopa maar ke eng se ba se kopanetseng? A go nale dijo for ntho eo ba e kopanetseng naa? A dipoele ke eng mo kopanong eo? Go kopana fela le go ntsha di documents would not help. As long as batho ba rona ba sokola on the ground. As long as batho ba rona ba kobilwe ko di flats ba robala ko ntle motho o a ipotsa gore ke dikopano tsa eng tse?

Deputy Speaker, re kopa thata gore ofisi e ya tonakgolo, e leke thata go rarabolola mathata a a leng teng mo porofenseng. Ga re a bua dintlha tsotlhe Deputy Speaker, a re a bua ka di parks le dilo tse dintsi tseo di diragalang mo porofenseng ya rona and gatwe now the provincial government is on a right foot, on the right track. Nna I am saying NO! with capital letters. They are trying, we are not even yet

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there to achieve the expectations or to accelerate service delivery in terms of the expectations of the society. So I'm saying Deputy Speaker re kopa thata gore corruption e rre Hantise aneng a bua ka yona, maloba mo batho ba ntshitswe ko di flats le kajeno go nale di Red Ants.

Bathos ba roan ba kop nettle. Gad ba isle ba addressee key office e kola gore re kopi tshwarelo re sa ntse re lokisa. Go didimetswe. Ga gona o a yang koo. Not even us. Rona re ile fela
Ga rena di powers re tla ya fela ga gona sepe seo re ka se etseng because di resources di ka mo tlase ga ketapele ya Premier. Ga se yona organization e o kareng, ga se yona. E organization e, e e leng gore e ka mpa ya bereka ka tsela e e berekang ka yona, ga ke bone. Ga ele yona of ke nagana gore ke yona ka gore ke le mo go yona re tshwanetse re ye kwa re ye go addressa batho.

Re kope tshwarelo, re tsereganye, re lokise mathata ao a aparetseng batho not our jacket. Or re nagana jang. Reye kwa re kgone go kopa tshwarelo batho

ba tsene mo diroom, bao ba senag tšhelete re ba batlele di RDP houses. Di RDP di tletse ga din a batho. Tse dingwe di fetogile di spookhuis. Di ntse fela maar batho ba rona ba a sotlakiwa, dilo tsa bona di gasagane fela. And ga gona sepe seo re se dirileng. As collective as the executive and also as the Legislature.

Re kopa gore mo tsamaisong ya matlotlo a bo mmasepala, go bua nnete MEC wa Finance through Deputy Speaker, ga ke bone gore re tsereganya sentle. Go nale kick backs, project tse di leng incomplete, batho ba jele di tšhelete bo rra konteraka ba ile. Ga re a tsereganya go ya melao e e beilweng re tlogetse fela. Ke gore keg a mmapereko. Mo gare ga di mmasepala tse 25 ba re ga re kereya ripoto le tla correcta o kare 15 ke yona e leng botoka 10 go swile fela ga re itse gore re tlo dira eng. So I am saying let us intervene gore re itse gore mokgatlho o ke o emetseng mo, o dira dilo tse di tshwanetseng tsa go aga maphelo a batho ba rona. Ga re sa pholisha language re tla e pholisha after dikgetho. Ke a leboga Deputy Speaker.

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HON. DEP. SPEAKER:

Ke a leboga Honourable Baloyi. Ketlo go kopa jaanong gore Honourable Darkey Africa, Acting Premier to respond. You said you are acting.

HON. MEC AFRICA:

Thank you Honourable Deputy Speaker. Let me correct this when I was standing there I said that I am standing on behalf of the Premier's Office including the Acting Premier. A ke leboge batho botlhe ba ba nnileng le tšhono ya go akgela fa. Le mokgwa oo ba akgetseng ka ona. Le mokgwa o ba beileng dintlha ka one. Ba be ba eletsa ofisi gore e tshwanetse ya dira eng. Mme go mosola gore nako enngwe re kgone go dira se go tweng ke go tthalosa pharologano mo gare ga dilo.

We must never dismiss information. Neither must we say things because we want to say them. They must have a meaning because that's what we say and I want to make this clear distinction between the corruption unit and the corruption forum. There were conferences that were held nationally and provincially. The Minister of Public Administration is the

overall coordinator of attempts to mobilize awareness between the private and public sector and the community on what constitutes corruption and what corruption does in the efforts of government to deliver services.

It is a multiparty, multidisciplinary forum which discusses in the national interest how we can create awareness around matters relating to corruption. That's what that forum does. With all due respect Members we are sitting here and must demonstrate the highest level of understanding issues so that our own people when we explain to them irrespective of how difficult the things might be. When we explain to them, we do so correctly because government takes care of the circumstances of the people but also it must educate and inform its own people properly and correctly. It is important that Members must understand the distinction between a forum and a unit.

I am going to come to the unit now. The unit is a functional entity with the responsibility to investigate where corruption has occurred and make recommendations accordingly to the

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enforcement agencies to take action. The distinction is that this one is empowered by legislation and terms of reference to do something to act and to investigate. This other one brings people together to assess the extent to which we are responding as a nation to the scourge of corruption in our society and to come together to fight corruption as a collective in the nation and that is the distinction I wanted to make. I am not talking about the merits and demerits of what this one has achieved. I am just simply making that distinction.

Deputy Speaker I just want to respond accordingly with respect to the issues that were raised. The issues of traditional leaders were raised, imbizos, sad and stormy resignation of the former CEO of the parks board, the underperformance of municipalities, issues of poverty and unemployment, crime and skills development. Issues relating to the extension of contracts of senior managers was raised, the issue of the sale of the flats and I think I must just deal with these matter in this manner that on Tuesday in front of all of us here, the Acting Premier pre-

sented a response to all the matters relating to the flats.

Without saying there is a particular reality that we need to address. We as government, as the executive feel very strongly that there is a need to address the issue of the flat in the interest of all the people involved. This is what is happening this is what is being done and that response was provided quite comprehensively. It is proper that we extent this apology for whatever inconveniences that might have been befallen people. It was never the intention of government in its entire team of the executive in particular to create circumstances that will be such that people are in the situation that they are in.

It was never the intention of government and this issue is being addressed properly and to those who are affected we sincerely apologize and will ensure that this matter is being addressed as quickly as possible. But the responses were provided with regard to this matter quite comprehensively on Tuesday. The issue of the remuneration of traditional leaders, we want to confirm that all

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dikgosi are being remunerated and Members will remember that when the current determinations includes a whole range of benefits for traditional leaders and that is done in terms of Section 5 (1) of the Remuneration of Public Office Bearers Act 20 of 1999. The President will from time time determine the salaries, allowances and benefits of traditional leaders, Members of the House both at provincial and national level and that would be done in consultation with the Premiers.

So this matter of dikgosi not being remunerated accordingly is to some extent not correct because there are being remunerated. If you look at the current determination for this year you will see that substantial increases has been made to traditional leaders. We don't undermine the fact that there will always be concerns by everybody including even Members here. Members will also say these salaries are not enough. Everybody is like that but the state is doing everything in its power to help.

On the issues of imbizos, there

is a dedicated secretariat is there to capture all these issues. Remember that not everybody speaks at an imbizo. You will find a big hall full of people but not everybody speaks therefore there is a mechanism where people can submit their comments, talk to officials that are there, all these things are then consolidated into a report and each department is given a specific action plan on which to respond so that the issues that are raised at the imbizos are addressed properly. So we are as the Office of the Premier confirms that this is been done and the EXCO from time to time reflects on the action plan arising from our interaction with communities in various areas of the province.

We also sent these things through the Office of the Premier to municipalities and all departments so that there can be tracking of these matters, follow-ups and people can be provided with the necessary responses. There could be general responses but there are also individual issues that are raised by people and so forth and such responses are provided. The GCIS and provincial

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government also embarked on this engagement after recognizing that there are some weaknesses in our systematic manner of responding, verifying and then reconciling the responses from all the departments and municipalities.

There is also a training project that is rolling out its unfolding for municipalities and departments so that they are able to respond and deal with these matters properly. All departments that do not respond on these issues and sometimes there are other issues that are not relating to some of the activities that the departments are dealing with. There are cases where there have practical responses to some of the issues raised while departmental reports do not record these positive and direct government responses.

When people say we need water, there are problems in the clinic immediately there is a response but sometimes departments themselves underreport these activities and maybe in the future when these reports are done they can be given to the Members so that they also have a sense because we are

all collectively responsible as the state to ensure that we communicate the same message to our communities because they want to understand what the state is doing. As government we will provide with that information. I have addressed the sudden resignation of the former resignation of the CEO.

When the report of the Auditor General came, we learned at the time that infact the CEO is employed in Mpumalanga. I took a phone and phoned my colleague MEC Padayache to say that we understand that this is happening. So we did something about it and they have requested us to send them a report. The Office of the Premier confirms that a forensic audit is going to be conducted in this regard. The Department of Developmental Local Government in regard to underperformance of municipalities as a constitutional obligation, which we all know, to support municipalities, their performance and so on.

There are various support programmes that are developed aimed based on the five strategic plan of the local government

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trying to deal with these issues. There are a number of merits of issues at local government level that the department is responding to through this strategic action plan. The four key issues are municipal transformation and organizational development looking at all those issues. Continuously municipalities will have to respond. These municipalities are not about houses only. They are about other things that are in the Constitution. So we need to make sure that they are transformed and this is what the department is doing. Service delivery and infrastructure, local economic development, financial liability, good governance and certain municipalities are also targeted for intervention. Those municipalities are listed here Mamusa, Lekoa Teemane and so on forth where there is hands on support for these municipalities.

We know that there are challenges in other municipalities those that have been mentioned and the department is doing it can to try and respond accordingly. EXCO has an item on this matter, local government strategic plan. It is featuring on the

agenda of every committee because we are saying if local government collapses the whole state system collapses. So therefore we are keenly involved as EXCO on local government support. The issues of Section 139 in Ditsobotla the idea was to stabilize administration and improve the situation. It was not sort of taking over as it were in some instances. But just to stabilize. We think that the intervention has headed a positive result and there is relative stability in the municipality. I am sure reports will continue to be generated.

The issues of poverty, the Office of the Premier assigns Members of the Executive certain responsibilities and powers and it provides generic and overall global leadership to make sure that this Members are able to perform their task and execute their responsibility in a manner that will ensure that the state functions effectively and part of this would be the issues of skills development in the province. There is a specific working group in terms of the PGDS that looks at the skills development. As we speak now about R98m if I am not mistaken has been put

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aside by the Office of the Premier to address issues of skills in certain targeted identified ASGISA PGDS related skills need areas. Therefore there are people who are doing these things under the auspices of the Office of the Premier.

In 2006/07 annual report gave account of provincial performance with regard to economic growth, job creation poverty reduction and basic service delivery. Pages 12 and 13 of that report deals with the PGDS goals to eradicate poverty and it gives a detailed account of performance in the province to improve access to basic services such as water sanitation, energy, housing and refuse removal. The cluster that is through the department of Social Development ...
[Interruption] ...

HON. DEP. SPEAKER:
MEC can you wrap up?

HON. MEC AFRICA:
I thought the Office of the Premier will be given enough time. But let me raise the issue of the extension of the contract of senior managers. I think there are two ways to look at it. There

are ways in which the Members have chosen to look at the matter in relation of the term of office. That's one way to look at it and you can make argument as the result of that. Another way to look at it is to look at what the provision of the act of the scope within which you can act. Now whether it is correct or incorrect is another matter. But the scope and I am going to refer to that, the Public Service Act of 1994 Proclamation 103 of 1994 as amended is the relevant legislation that governs the appointment of the heads of the departments in the public service at both national and provincial.

Section 12 Sub- Section 11 (b) of the Act provides that " the term of office as head of department maybe extended at the expiry thereof for a period or successive period of not less than 12 months and not more than 5 years" therefore there is a scope within which it can be done and that is a legal scope. As I said you can argue in relation to the Premier's term with regard to this matter. But you can also look at it within the context of the law and it is the humble submission of the Office

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of the Premier that the matter is looked at within the context of the Public Service Act of 1994 as amended. There can be in law no legal prohibition because Members continue to say we must respect the law which is a very good thing that is said by Members.

If it is meant serious by Members then this is what the law says. And it therefore provides no legal prohibition for the contract to be extended within that period. The merit of cause of the issues is what Members are beginning to raise but if it is the law then there is nothing that suggest that any law was broken. However the Premier is extending such contracts taking into consideration factors such as continuity and the term of the executing authority or the government in force.

Responded to the issue of the flats that the Acting Premier has responded on Tuesday and the response is with the Members. There is the other issue of the Youth Commission, Areageng and Youth Development Trust. The office appreciates the guidance and recommendations provided in this regard and the

above institutions to the exclusion of the North West Development Trust are not registered public entities. Some have been created in accordance with the provisions of specific pieces of legislation in particular the youth commission and the Youth Development Trust are creatures of provincial legislation. As the Youth Development Trust is a registered public entity and all the required accounting structures are in existence.

We are in a considered view that these structures should be retained as it exists. In the case of the Youth Commission we found that there are founding legislation suggests some measure of independence. In their case registration is a public entity attain to trust maybe considered as we know now the National Youth Commission is currently enlisted in schedule three of the PFMA as the public entity. The similar move with the trust is considered. This will help the accountability. The Areageng Forum is not created in terms of any provincial legislation nor is it registered as a public entity. We are currently considering legislation but we will fully set out the

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operations and to who and how they will account and so forth. A drug Bill has been produced and is currently being considered by all stakeholders.

The Office on Status of Women and that of People Living with Disability are programmes within the Office of the Premier. They are not meant to be independent and shall continue to report to and account through the Office unless there is a specific proposition as to how they should conduct their business. We believe that they should be allowed to continue operating the way they have been which a trend through out the country is. We have dealt with the issue of traditional leaders and there is of course legislation, anticorruption and the issue of skills.

I want to thank Members on behalf of the Office the Premier for the very exiting and insightful inputs you have made. You can rest assured that these matters will be taken care of. Those that will be solved in the short term will be solved and those that would be solved in the long term irrespective of whose there, who is not there will be solved accordingly because they

remain a record of this House and the record of government. I thank you.

HON. CHAIR OF CHAIRS:

This concludes the debate of the Premier Annual Report. Does the House adopt the report? [YES]. Thank you very much. I now call upon Honourable Mahlakeng to lead the debate on the Legislature.

HON. MAHLAKENG:

Thank you very much Honourable Madam Chair of Chairs. May I on behalf of myself and the Portfolio Committee on Developmental Local Government and Housing present the Report of the Portfolio Committee on the Legislature? The Legislature met on two occasions on the 30th October and again on the 07th November 2008 at the Legislature Conference Room regarding their annual report of 2007/2008. The meetings were in line with the terms of Chapter 06 of the Constitution of South Africa, Clause 114 Subsection 2(a) which gives the North West Provincial Legislature the powers.

The purpose of the meeting was

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amongst others to ensure that Public Management and Finance Act (Act No 1 of 1999) Section 40 (d) (i) as well as Section 65 (1) (a) which obliges the department to present the annual report with audited financial statements to the Provincial Legislature. The brief background to these meetings Honourable Chair of Chairs is that it should be noted that the portfolio committee met the leadership and management of the Legislature on two occasions as mentioned above.

The reason was that on the first meeting which was the 30th of October there was an incident that was taking place at the flats in Mmabatho where the residents of the flats were been forcefully and cruelly evicted from their homes by the notorious Red Ants Security, Dinta tse gubedu. The Committee was very perturbed and shocked by the incident because in September 2007 the House had resolved that the sale of flats should be reversed by the Executive. Honourable Members would remember that the Honourable Speaker of the North West Provincial Legislature, Honourable Thandi

Modise established the Ad hoc committee to look into the matter of the sale of flats.

The adhoc committee took about eight months to seriously look into the matter of the sale of flats, which involved a competent team of legal gurus which caused the Legislature a reasonable amount of money, to ensure that the House would not be misled. The Ad hoc committee conducted its work with diligence and met with all parties affected which included the Premier, the CEO of North West Housing Corporation, MEC of Finance, MEC for Developmental Local Government & Housing.

This was done in an endeavour to get a comprehensive understanding of what propelled the corporation to dispose of the flats and whether it was done having taken into consideration the needs of the previously disadvantaged tenants of the flats. It also wanted to deal with other issues that are outlined in the memorandum of the 11th January 2007 but most importantly as the representative of the people, the Legislature wanted to ensure that the rights

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of the people are not trampled on and whether the corporation has not deviated from its mandate of ensuring that it provides shelter and comfort to the people of South Africa as enshrined in the Constitution.

So the portfolio committee asked the Office of the Speaker to clarify it about the process and its interaction with the Executive, particularly the Office of the Premier in ensuring that the implementation of the above mentioned resolution why was not taking place. The Deputy Speaker representing the Office of the Premier told the portfolio committee that the office has on a number of instances interacted with the Premier but did not get the corporation desired. The committee was satisfied about the tireless efforts of the Office of the Speaker in trying to ensure that the Executive implements the resolution of the House which was taken on the 13th September 2007 as per the recommendation of the ad hoc committee which then became the resolution of this House of which everybody was present.

On the day of this meeting later the portfolio committee took a

decision to adjourn the meeting in order to undertake a trip to the flats and witness the state of affairs. On their arrival, the portfolio committee discovered that indeed people were stranded as they were literally thrown out of the flats with their belongings.

Most of their furniture was severely damaged and some informed them that they have lost most of their valuable belongings. It must also be noted that this was on the eve of the matric examinations. The portfolio committee was so terrified and agreed that the manner in which the people were removed was even worse than during days of apartheid. At worst, the portfolio committee agreed that the behavior of the Executive not to adhere to the resolution of the House as taken on the 13th of September 2007 was in fact disrespectful.

The concerns of the committee madam chair amongst other are related to

- The fact that the Office of the Speaker is unable to adequately follow up on resolutions of the House, in particular the resolution on the sale of flats.
- The European Union money which was set aside to register

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Members to further their academic studies is not being used for that purpose.

- The EU money seems to be dislocated since the departure of the EU Officer who was employed there.
- About R4.3m was taken from the budget of Committees without informing Members.
- It seems as if the Peoples' Assembly was not adequately budgeted for and as a result certain money was taken from various directorates.
- There is inconsistency in the manner in which Members of the committee are chosen to attend overseas trips by the Office of the Speaker and in some instances they are not inclusive of Members of the opposition parties.
- The Members' Interest Subcommittee should meet and address issues affecting Members i.e. top-up of cell phone allowance for Members, new laptops.
- There is a concern that the institution is excessively losing qualitative members of staff and does not seem to have an effective staff retention policy example is that of 15 members of staff resigned during the year under review.

- There is an alarming delay in filling of posts and that impact negatively in the smooth running of the institution.

- Poor quality of furniture which is bought in the institution such as the ones in Committee, conference rooms and offices of Members.

- Inadequate level of security such as the disfunctionality of the security doors falling into pieces as well as gates which make it easier for anyone to come and leave as they please, this is so even in the highest Office of the Speaker and Deputy Speaker themselves.

- The level of cleanliness in the Legislature is dwindling every day, toilets and the gym are dirty, the Chamber has a funny smell and offices are not regularly vacuumed.

- The programme of the renovation of the Chamber seems to be stagnant for no apparent reason and most importantly the Chamber as it is today is not even accessible to people with disabilities.

- The Legislature spent R285 000 without authorization and consideration by the House as stipulated in Section 34 of the PMFA. for

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Under recommendations
madam chair of chairs:

- The European Union money which was budgeted to register Members to further their academic studies should be used for that purpose in the coming financial year.
- Under no circumstances should the budget of the committees used without the consent of Members of such committees.
- The salaries of employees of the Legislature should be made greener to avoid high staff turnover on the basis of greener pastures elsewhere.
- The security services of the Legislature in relation to security gates and doors should be functional to ensure that the safety of Members is not compromised.
- The Legislature as the custodian of laws should lead by example and refrain from spending its budget without having brought it before the House for condonation as is the case with the R285 000 as mentioned above.
- The Legislature should speed up the process of renovating the Chamber and ensure that it is accessible to people with disabilities.

- PMDS should be consistently implemented to boost the moral of the staff and ensure that they strive to perform their responsibilities with maximum excellence.
- The Office of the Speaker should put in place effective measures to ensure that the Executive is implementing the resolutions of the House and give a progress report back to the House on a regular basis.
- The portfolio committee urges the Honourable Premier and the Executive to ensure that resolutions of the House are implemented; in particular the sale of flats which was taken on the 13 September 2007 in particular the sale of flats as already highlighted above; if they are failing to do that the portfolio committee would have no other option but then to call the Premier to resign or even invoke Section 141(2) of the Constitution of the republic which categorically state that the House can pass a motion of no confidence against the Premier.
- The last recommendation is that the Rules Committee is also urged to ensure that the rules of the House must be strengthened in a situation where the executive fail to implement the

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House resolutions; there is a recourse

Notwithstanding the above difficult problems Honourable Chair of Chairs the Portfolio Committee on Developmental Government and Housing and Provincial Affairs would like to thank the North West Provincial Legislature for the work it has done in ensuring that many of our people continue to participate in the legislative processes of the House and proposes that the House adopt this report I thank you.

HON. CHAIR OF CHAIRS:

Thank you very much Honourable Mahlakeng. I now call upon Honourable Matladi as the first speaker.

HON. MATLADI:

Honourable Chairperson the topic under discussion sale of flats. The Provincial Legislature also has a stake on the matter in the sense that it is the one that instituted the Ad hoc Committee also it is the responsibility of the Legislature especially the Office of the Speaker, to see to it that resolutions of the House are implemented, to make follow ups on all resolu-

tions taken in the House. But recently we have seen not only the resolution of the sale of the flats not being implemented, but also the DED the directorate of entrepreneur and development had resolutions adopted in the House and they failed to implement them and they failed to implement them and the Honourable MEC could even say they juts belong to a particular committee therefore does not matter.

The Provincial Council on AIDS also has had resolutions adopted in this House and the council also or the Department of Health failed to implement those resolutions just to mention but few. So it reinforces the fact you have picked up in the report of the committee that states the failure of the Office of the Speaker to follow up on the implementations of resolutions taken in the House. The investigations on the sale of flats have cost this Legislature a sum of more than R20m and we say this amount of money must benefit the people of the province. Is this ad hoc committee out to spend such much and its resolutions are just taken as null and void. That could become a

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wasteful expenditure.

We sympathise with the Office of the Speaker for the report they have given that they did not get any corporation from EXCO regarding the Ad hoc Committee resolutions. What we are saying is why it took the Office of the Speaker a year and a month before they could come back and report to the House that they are facing problems regarding EXCO? Why do they tell us now when people are being evicted and there are problems and when we are asking questions? We believe that they should have brought this letters to the House to tell us that they have reached the cul de sac and the House might have talked about the matter and see how to help.

Based on the responses given in the House on the 18th of November when the Honourable MEC Africa was saying they have covered all avenues I need to say they haven't. They were follow ups and today the response is and the Honourable Acting Premier said they will be taken back to EXCO and it is still has to come back to the House. In addition, Honourable

Chair of Chairs, Honourable MEC of Finance resisted some of the information contained in the responses presented to the House on the 18th of November 2008 I quote her " I will not allow my name to be dragged in the mud" cause the information given are allegations.

So it is also the responsibility of the Office of the Speaker to see to it that this matter be addressed cause it seems the information that was presented in House is not agreed upon by the same Members of the EXCO which we believe should have looked into the matter together. So it means in future we will be awaiting the proper response that would be agreed upon by also mme Modiselle the MEC of Department of Finance and others. The chairperson has already talked about the EU funds and we as Honourable Members are saying, unfortunately we are left with few months it will be the end of the term before the educational upgrading or causes that were promised to us using the EU funds wouldn't have occurred.

So if maybe if I would have gained some additional certifi-

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ates I wouldn't and the Legislature has to tell us why because in the previous meeting they have explained that the money was too limited to cover the cost and we were promised that other avenues will be looked into but we have ever since not received any progress report on the matter. We want to know since this money did not work for what it was meant for where is it? Is it still in the coffers or has it been used? If it has been used what for? We need to share and know what EU funds used for in the Legislature.

About R4.3m was used from committees and other directorates in the Legislature budget without any negotiations with out any report even to the House or to the Rules Committee in order to hold People Assembly. We are told that it is because the People's Assembly was not budgeted for. Now it boggles the mind to see the People's Assembly being part of the plans of the Legislature and being it a plan not receiving a budget. Initially when it was planned for where did the Legislature think it would get the money to implement it and what

about the action plans of the committees whose budget has been taken? If I can cite an example from SCOPA a sum R 260 000 was taken and the activities of this committee has to run. Won't these committees later be charged with under spending because of their budget being embezzled with. We need a very clean report on this matter and we need to be convinced that it should never happen again in this Legislature.

Fifteen staff members resigned from the institution in the year under review and it seems the staff retention policy is not bearing any fruits for the institution. We suggest that it should be reviewed and in addition to the suggest we say can't we look into the packages of our staff and make it a bit greener so that they shouldn't be easily bought by other sectors, departments or municipalities that can pay better than the Legislature is paying. A ko o ba tshase lefuryana Motlotlegi Motlatsammusakgotla. The Legislature used its budget to purchase furniture in the offices in committee rooms, in the restaurant but it reports that the old furniture is taken back to

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Public Works. It does not add to return the furniture to Public Works when Public Works did not buy the furniture.

We know that it is the custodian of all the furniture and buildings of the province but for the funds that has been used from Public Works, but with us it is the Legislature that its budget and purchases but when these has to be taken off they are returned to the Public Works. Can't we review the Disposal Management System or Policy of the Legislature so that we know how these things has to be disposed off? The very same furniture I am talking about is not durable. With chairs easily broken and tables and also be eaten by mot. There is saw dust in some offices like the office of Honourable Groenewald as he has reported which means that whatever wood or material that has made this furniture is isn't of good quality.

For three years in succession, while debating the Annual Report on the Legislature, I have always asked the same question how was the furniture purchased? Was it open or closed tender? I am always told

we will reply. The office will reply but to date this is the information that is hidden from us that I am still appealing to this Honourable House through you chair of chairs that we get this information. I know to some people this will be pina ya tshwene, but I will sing it until I get the expected results. Ke tlile go e opela go fitlhela ke arabiwa mo ntlheng e ya theko ya diphatlho tsa Legislature gore di rekwa jang, ko kae ka bokae? Go setswe melao e feng ya go di reka?

The Legislature is not clean, Honourable chairperson has already said but we believe that cleanliness is next Godliness. When cleaners get retired, they are not replaced neither does the Legislature purchase the cleaning equipment they promised they would purchase in order to make the work of cleaners a bit easier. To add the fact that this Legislature has been extended, being extended it says it needs extra hands to make it clean and to suit us but this was not done. The research unit for the UCDP was paid only one unit for the financial year but ever since the matter was raised in the portfolio committee

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meeting we want to congratulate the Legislature that it has quickly addressed the matter and we are thankful for their quick reaction.

Staff members are not satisfied with the inconsistency and disparities in the paying of the performance bonuses to employees as well as the unfriendly dismissal of the personnel that has to go for retirement. We know that when a person has to retire one has to retire but I believe there are ways of doing these things. Mokgwa wa setho wa go bolela le batho ba rona go leka go ba bontsha le ga e le gore re bona re sa tlhole re ba tlhoka mme ba se ke ba ikutlwa ekele ba kobiwa jaaka dintša.

Recently committees haven't used their budgets for educational tours for some invitations of different conferences an example the Commonwealth Parliamentary Association the Executive Committee would take a decision and the decision would be overturned and different people would be send to such congresses. Other conferences would even go to extent of excluding Members of opposition in such trips but we believe

that we work together. There is no way that one party should be enjoying some privileges over others. We understand that the ruling party would have additional Members in these trips because of their big number. But even if you just throw one Member of opposition and we would be glad that opposition is represented not just taking people of the same party and send them away. To do what?

I am drawing to the conclusion of my debate chairperson. As I do so I would like to say the statement that has been read by the chairperson in the recommendation that says that EXCO has to implement the resolutions of Ad hoc Committee otherwise Section 141 would be invoked by the House was indeed discussed in the committee and Members has accepted such discussion. The UCDP however says it would be very inconvincing to change the Premier and the Executive while the term is only left with four months before the end of this term and is looking forward to EXCO abiding by the rules of the House in order to avoid such actions. That is the one of 141 that could be invoked.

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We believe that we made the law and we do not make the laws for only some people, it is for all of us to take them seriously. We are wishing EXCO all the luck in addressing these matters so that we totally avoid what has been recommended by the portfolio committee. Honourable chair of chairs, the standard of the Legislature in the North West has gone down. It still remains to be a beautiful building but when you get into it some of the services that used to be there are no more. They are either ignored, or they are left to fall down like typical example this morning when we didn't have translators and the machineries there for Honourable Members to be translated through.

The computers that are on our desks are not functioning, the Hansard that we seldom receive and many others. This is my mind fear in this Parliament and I am wrapping off, it is for the first time I see only four MECs being present when annual report being discussed and Honourable MEC responsible for departments not being there to respond to their annual reports that are being presented

by portfolio committees. Then the question is will they taken seriously or is it just a matter of rubber stamping and concluding the work of the year because we are running for the elections.

We would urge the Legislature to take this House seriously and see to it that Honourable Members do what they are due to do. Nevertheless we congratulate the Legislature for the good points that are raised in the reports of the committee and support that its annual report be passed I thank you.

HON. CHAIR OF CHAIRS:

Thank you very much Honourable Member Matladi. The next speaker is Honourable Gerber.

HON. GERBER:

Thank you Honourable chair of chairs I also want to congratulate the Deputy Speaker with his birthday I hope that he will have some time today to be with his family. I also want to say that we have not had the Premier here today we even did not have the Acting Premier here today. Someone else had to act for the Acting Premier here. It is also a pity that the Honourable

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Speaker is not here today. So really it looks like the Legislature is closing down.

Some of the recommendations of the committee concerns of the committee and the first thing is the committee would like to get clarity about +/- R 4.3 m which was allocated to committees and had been taken out of the original budget. What we want to know is who decided to do it? What was it used for and what will be done to rectify the situation? Is it true that there was not funds budgeted for the People's Assembly and that funds were taken from various directorates such as Information Technology, committees and others to pay this programme. Every year the committee complains about the institution losing qualified members of staff. One of the reasons we were served with is that the Legislature pays less for quality staff members than other Legislatures. The question is will they be budgeted for next year to address this problem? The Legislature cannot function properly with a shortage of staff.

It is disturbing that the committee and other Honourable

Members also referred to it had to report the following and I quote "the level of cleanliness in the Legislature is dwindling everyday. Toilets and the gym are dirty. The Chamber has a funny smell and offices are not regularly vacuumed" In the bathroom which is used by the opposition parties did not have any towels since it had been completed very early this year. It is really a shame that this has to be reported here in this Honourable House. How is it possible that the researchers of the UCDP are not paid as per their party allocation as resolved by Rules Committee? How is it possible? It is of the utmost importance that the Premier and the Executive ensure that the resolutions which were taken on the 13th of September 2007 be implemented. Correspondence between the Office of the Speaker and the Premier took months.

On the other hand it is unacceptable that the House was only recently informed of those correspondences. The Speakers Office should have long ago informed this Honourable House about it. I therefore urge the Honourable Premier to see to it

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that the resolutions taken more than a year ago are implemented immediately. In this regard the Freedom Front Plus also request that the House be properly informed about the implications for the Legislature if the selling of the flats in Mafikeng should be reversed at this late stage. Without that information the House will not be able to find an informed to take an informed decision. Thank you Honourable chair of chairs.

HON. CHAIR OF CHAIRS:

Thank you very much Honourable Gerber. The next speaker is Honourable Groenewald.

HON. GROENEWALD:

Thank you Honourable Chair of Chairs. Honourable Members of the Legislature, officials of the departments. With the Speaker's busy departure to a new exciting and much more powerful destination we wish her a lot of wisdom in her new position. We who remain who remain in the Legislature will see that the responsibilities of the Legislature be handled in a positive way to the benefit of the people of the North West.

However it is a pleasure to enter the Legislature the past few months after starting with the upgrading of the gardens and the parking areas. The Legislature is the heart of the province and people of the province must be proud of what they see as well as the functioning of this institution. Most of the Members undertook official trips to different countries to broaden their knowledge regarding their portfolios in the Legislature. There are some portfolio committees that have never been on any official trip in the last four and half years, like education, sport arts and culture. Maybe that is the reason why the department suffers to get on track.

The way staff members are resigning in the Legislature is really something to be scared of. No organization can afford it. There was staff change of 144 in two years. It cost the Legislature thousands of rand in training every time a new staff member who is appointed. What measures are in place to stop this exodus out of this institution? Did a proper investigation take place to see what the reasons are? If it has something to

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do with the salaries and benefits, it must be addressed very urgently. It is good to see some key vacancies are filled in the past few months. The way people are invited to the Legislature by youth, women, older persons and people with disabilities also People's Parliament are a good advertisement for the Legislature.

Although it is more important to listen to the people's needs and always give them feedback on their complains. Honourable Speaker then we can talk of good governance. The Legislature must stop making promises to the people that they cannot afford. The Legislature could be proud to have a video conference system in place. Have a new installed information system in the Chamber and that includes it's a shame is not working this morning. A digital audio recording and translation facilities. Digital transcribing system, a digital conference system, computer information system with electronic voting.

That is money spent wisely and the DA believes that all these equipment will be used to the benefit of the people and the

Members of this House. The internet services can be however be updated. The last year we have seen numerous breakdown and interruptions in the internet supply. This is frustration to the MPLs and the staff. With the first performance management and development system in place you inspire the staff to deliver more and better for the citizens of the province.

It is a pity to have a well equipped library in the Legislature but never been used to its optimum by the Members of this institution. A programme must be implemented for a week or month based to tell the Members more about the functioning of the library and to invite them to the library in the Legislature. I know Honourable Darkey Africa will enjoy it. Members are looking forward to deal and being part of the new revamped Chamber in the future. However to have a new wellness center at Lowe, Parliamentary where definitely keep the Members of the Legislature in shape and fit to do their jobs much better.

Honourable Deputy Speaker the fact that the Legislature building

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is still after a period of three years reflecting in the fixed asset register due the National Treasury grounded the Department of Public Works to update their fixed asset register. That is an issue to be handled by the Legislature as well as the Department of Public Works. The asset register must be fully updated according to the policies of this institution. The underspending of R1.2 m on study tours and events are not accepted because that is money budgeted for a specific purpose to give Members opportunities to see and learn from other countries how they operate in certain circumstances.

Honourable Deputy Speaker the year is not over yet and in all to broaden their skills the department needs to go on a tour and see what they are lacking in their department. There is an invitation to the Legislature from Australia for a Management Workshop in December 2008 that might be the time to sent Honourable Members to attend this useful workshop. Many other provinces in South Africa already sent their Members to this specific workshop. What is wrong with the North West

Province? Why are some of the Members in the Legislature benefiting more than others, regarding telephone allowances? Finance must look into this matter and report back to the committee.

The security in the Legislature is not on standard. Any one can enter any office anytime. The card system is of no use. A year ago the DA was impressed with all new furniture in the Legislature, a year later all these beautiful chairs are falling apart. It seems that no one cares about it. A year from now all the Members will sit on the floor and hold meetings in committee rooms as well as in the conference room. The way money is transferred from one different department to the People's Assembly, is an amount of R4.3m is not acceptable.

The portfolio committee wants to know how the decision was taken and asked for a serious investigation into this matter. The portfolio wants to help and make the Legislature a better place for each and every one who is working here. We accept the report I thank you.

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HON. CHAIR OF CHAIRS:

Thank you Honourable Groenewald. The next speaker is Honourable Moalusi

HON. MOALUSI:

E re ke simolole ka go eleletsa Motlatsammusakgotla masego e bile re ntse re leboga Modimo fa a ntse a mo fa dingwaga tse. E bile re mo eleletsa gore a gole a godise bana ba gagwe a tswelile ka go rata mosadi thata. Ke a leboga.

Honourable Chair of Chairs and august House at large I greet you all in the name of the living God. Honourable Chair of Chairs the UCDP here intends to report the truth and only the truth in as far as service delivery in the North West Province is concerned. The Legislature has totally failed the mandate given to them by the masses to assume responsibility in the public domain to ensure a better life is enhanced for the benefit of all South Africans united in their diversity.

Honourable Madam Speaker who is also the Deputy Secretary General of party e e neng e le kgolo kgolo e e leng yona e re busang admitted that.

A video conferencing which was intended to undermine space and distance between Legislature in South Africa was viewed in conception and not so good in conception but not so good in implementation and they have not utilize this important technology which geared towards facilitating and expediting the process of law making.

Training for Members of Legislature was postponed due to problems not challenges associated with the service provider. In our gym here equipments are in a dilapidated state. Now Honourable Deputy Speaker can you please share with this House as to how are you going to improve the mode of providing service in this Legislature? On the report made by the Honourable Secretary of the Legislature, he categorically stated that his commitment is always that of making a difference in rendering professional service to all Members of the Provincial Legislature for them to impact positively in the lives of the people of the North West.

I underlined all Members but not all Members are treated the same. Since I started working in

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June no accommodation was provided to me. As a human being I started asking myself questions as to whether I am not entitled to full benefit enjoyed by my colleagues. I was made to believe that people who are not Members of the Legislature are being accommodated to the place reserved for Members. Please note Honourable Chair of Chairs this is not a grievance but a political comment.

Now let me scrutinize or diagnose the report made by the Honourable Deputy Speaker and the Honourable Secretary of the Legislature. Coming to resource management and labour relations, you had fifteen resignations recorded. Now what constitute these resignations and how did this impact the institution? Write them down you are going to answer them. What are you going to do about this problem and when? Who is conducting your selection process? It is indicated that you have challenges of retaining critical and key staff. Now answer, do you have any staff retention strategies in place? Please answer.

How are you planning to improve this situation It is also indicated that there is a delay in the approval of the identified suitable potential employees. Please Honourable Deputy Speaker, explain the major causes of these delays. What have you done to avoid the delays and what are you planning to do? Lastly you have disciplined a lady and gentlemen after casting vote in your favour what did you do?

The internal audit does not operate in terms of approved internal audit plan. Why was the internal audit not appointed? Does the internal auditor functions still operating in terms of unapproved internal plan?. The internal audit function did not substantially fulfill its responsibility for the year as set out in its Charter. Why the internal audit was functions responsibility not substantially fulfilled?... [Interruption]...

HON. CHAIR OF CHAIRS:

Ke kopa motlotlegi a sobokanye.

HON. MOALUSI:

Diga letsogo leo please, asseblief. Ke fana ka ripoto fa. Ga re ko meeting wa disturbances. Wa

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itse rona ga re nke re distubiwa ko di meeting tsa rona tsa UCDP. Motho o a bua a phuthu-logile. There is order in UCDP not like motho a ntse a bua [Interruption]...

HON. CHAIR OF CHAIRS:

Can you address the chair Honourable?

HON. MOALUSI:

The basic of unqualified opinion is noted that the financial statements submitted for audit were not subject to any material amendment resulting from the audit. How are you managing to achieve such? You have also been able to provide an adequate sufficient, appropriate audit evidence hence and unqualified opinion. How did you manage to provide such good work? Which strategies are you going to implement if any? In conclusion, Modulasetilo wa Ditulo, ke kopa gore ripoto e le ga ntse jaana a re e amogeleng. I thank you.

HON. CHAIR OF CHAIRS:

Re a go leboga Motlotlegi Mualusi. Motlotlegi wa bofelo wa go tswalela ngangisano e ke Honourable Africa what are you complaining about?

Because I can just see you pointing your hands to me. You and Deputy Speaker are out of order. Both of you. Deputy Speaker please! Sebui sa rona sa bofelo go tswalela ngangisano ena ke Motlotlegi rre Hantise.

HON. HANTISE:

Motlotlegi Modulasetilo wa badula ditulo ke ne kere go ...[Interruption]...

HON. CHAIR OF CHAIRS:

Sorry rre Hantise. Honourable Deputy Speaker and Honourable Poppie Mocumi please can you respect this House? Tswelera Motlotlegi rre Hantise.

HON. HANTISE:

Ke ne kere Motlotlegi Modulasetilo wa badula ditulo go kwadilwe mo lokwalong le le boitshepo, Beibele. Ga ke itse temana ke a e khouta ya re " o seke wa dirisa leina la Morena Modimo wa gago lefela" ka mantswe a mangwe o seke wa tshamekela mo leineng la Modimo, wa kgakgaala ka lona. Temana e e raya gore e kgalemela batho ba gantsi ba dirisang leina le. Jaanong ke batla go go gakolola jaana mod-

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ulasetilo ke re, ke mongwe wa batho ba ba neng ba eme mo podium e, re dirisa lona leina le, re ikana ka leina la Modimo. Mafoko a mangwe ao re neng re a dirisa e ne e le gore re tla tlotla melao yotlhe ya Aforika Borwa. Re tla direla setšhaba sa Aforika Borwa ka botshepehi le boikanyego. Bontsi ba rona re buile jalo re tsholetsa mabogo, batho ba re šebile lefatshe le re šebile. Re ikana re dirisa leina le.

Jaanong modulasetilo tla ke bue jaana ke ise ke tsene mo ripo-tong, ke ntse ke reeditse my Honourable Member mme Matladi ga a khouta mo ntlheng enngwe e komiti e dumelanneng ka yona e bile ke tsaya gore e ne ele karolo ya komiti a le gone a bua ka molomo wa gagwe se se kwadilweng mo ripo-tong e gore o tsitsinya jalo. Ntlha e ke yang go e tlhagisa key a gore ga ditshwetso tsa Adhoc Committee di sa diragale, tsitsinyo ya komiti ke gore tsa di flats because ke yona ntlha kgolo, tsitsinyo ke gore moPirimiri Motlotlegi wa rona a resign. Fa a sa resign, re tla tsenya section eo e setseng e boletswe mo. Ka molomo wa gagwe o buile jalo. Ke ntse ke

reeditse ga a bua gore UCDP ya re, ke ipotsa gore UCDP ke mang ena ke mang?
...[Interruption] ...

HON. CHAIR OF CHAIRS:

Rre Hantise a ke utlwe a point of order from Honourable Matladi.

HON. MATLADI:

Honourable chairperson I am being misquoted by the Honourable Speaker. He must listen when a person is debating instead of coming with his own opinion. I haven't refrain from what the committee said, I said the committee has agreed and I continued to say we wish EXCO luck that they implement so that the inevitable shouldn't happen. So it was not like I was saying I am not part of the committee I didn't say so. Please listen Honourable Hantise before you come and accuse people and quote the Bible wrongfully.

HON. CHAIR OF CHAIRS:

Motlotlegi mme Matladi ke go neile nako ya gore o bue ke solofela gore o buile. Ke ne kere gape o address the chair. Honourable Hantise tswelela.

HON. HANTISE:

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Thank you very much chair. Nna ga ke boele ko morago. Ke ne kere modulasetilo ...[Interruption]...

HON. CHAIR OF CHAIRS:

Motlotlegi Hantise tima foo re utlwelele gore motlotlegi Matladi a reng

HON. MATLADI:

Honourable Chair of Chairs I request that Honourable Hantise withdraw what he said about me because he is now using my name in a wrong a way that I can agree on things in a committee and come here and say something against that the committee said. I would like him to withdraw what he said about me. If he doesn't withdraw I will read again my speech where I was talking so that he can open his ears and hear what I said please.

HON. CHAIR OF CHAIRS:

Ke solofela gore ntate Hantise o utlwa gore motlotlegi a re mohlomphehi a busetse ko morago seo a se buileng ka ene seo e seng sentle. A re ga a ikganetse mme ene ese leloko la komiti a re ene o rile " fa EXCO e sa diragatse di resolutions which was taken in this

House seo se tla pateletsa gore se komiting e dumelaneng ka sona sa section 141 se tsengwe mo tirisong. Jaanong a re o kope maitshwarelo o gogele mafoko ao ko morago ka gonne ga a itatole. A gogele ko moago ka sekereste.

HON. HANTISE:

Modulasetilo ga gona bothata jwa go a gogela ko morago. Nako di pedi ga di utlwele gongwe. Ga a ne a bala mo portion e e buwang ka four months which is left ke teng ga o kareng ga ke a mo utlwa sentle. Maar ko bofelong o kare re a dumelana. Ke gogela mafoko aka ko morago.

HON. CHAIR OF CHAIRS:

A o a amogela mme Matladi?

HON. HANTISE:

Motlotlegi Chair of Chairs ke batla go lebisa mo Ntlong ya Speaker dintlha tse di latelang ke bo ke dira kopo. Komiti ya Public Accounts e kopile botsamaisi ba Ntlo e fa bone bo tlhageletse mo pele ga yona gore ba ye go tlisa dingwe tsa ditokomane tse di umakilweng. Dingwe tsa tsona ke tseo Motlotlegi mme Matladi a neng a bua ka tsona. Go rekiwa ga di

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furniture jalo jalo. Go fithelela gompieno, ditokomane tseo ga ise re di kereye. Go matsapa, go mathata.

Ke batla go tlisa mo pele ga Deputy Speaker gore botsamaisi ba Legislature motlase ga mokwaledi wa rona, go nale dilo dingwe tse di diragetseng tse di dirileng gore batho bangwe ba bo ba sa tlhole ba kgotsa bas a tlhole ba direla yona Legislature e. E ka nna ka ntlha ya tlolo molao ba otlhailwe jalo, gonale dikgetse tse di sa ntseng di seka either di ko court ga re ise re kereye ripoto. Re e batlile ga ise e tle mme ke tsaya gore dikgetse tseo gongwe ga ise di fele. Ke batla go tlisa ntlha e Modulasetilo wa badula ditulo ko go Deputy Speaker gore ga ke bua ka go ikanyega ke ne ke sa lebise fela ko go Honourable Matladi mme ke ne ke lebisa mo Malokong, rotlhe ba re emeng fa, re tsholetsa mabogo, re bua puo eo.

Go mo pepeneneng gore mokwaledi wa rona wa Ntlo e, ga a theogele jaaka ga go tshwanetse. Ke kile ka botsa potso, re nale Motlotlegi wa rona rre Mangope ke botsa gore a o tsere permanent or life time

leave? Ka gore ga nke atla mo, ga nke go fiwa any apology gore ke eng a sa tle ka gore ke Leloko la Ntlo e ? Mme o kare potso e ke tshwanelwa ke gore ke e lebise ko go Deputy Speaker gore a e arabe. Ke eng ga mokwaledi wa Ntlo e a sa theogele jaaka badiri botlhe fela. A o tseile permanent leave?

HON. CHAIR OF CHAIRS:

Rre Hantise tima foo. Motlotlegi Matladi?

HON. MATLADI:

Chair person we wouldn't allow Honourable Hantise to debate an individual instant of debating the annual report now he is talking about Honourable Kgosi Mangope. We don't know to whom was he asking the question? Because the Office of the Speaker knows the whereabouts of the Honourable Kgosi Mangope. If ntate Hantise want to know he must ask the relevant office not come and debate about the Honourable Member in his absentia.

HON. BALOYI:

Honourable Hantise was just given an example. There is nothing wrong. ...[Inaudible]... we won't allow Honourable

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Matladi every time to stand up on a point of order because she has a different view. It can't happen.

HON. CHAIR OF CHAIRS:

Motlotlegi mme Matladi o utlwile gore seno ene ele sekai fela ene e se gore rre Motlotlegi Hantise o bua ka moya ope o o maswe. Rre Hantise tswelala.

HON. HANTISE:

Ke solofela gore ga nkitla ke boa gape ke dula fa fatshe go fitlhela ke bua seo ke batlang go se bua. Ke ne ke tla kopa jalo gore Deputy Speaker mo dipot-song tse dingwe tse ke di bot-sang a e arabe potso e. Ka gore ke yona kantoro eo re e lebelet-seng gore e tshwanela ke go tlhokomela botsamaisi.

HON. MOALUSI:

Chair of Chairs order please!

HON. CHAIR OF CHAIRS:

Ntate Moalusi ga ke is eke go nako ya gore o bue. Ke kopa Ntlo e e tlotliwe and le nna ke tlotliwe. Ke kopa o dule mo fatshe motlotlegi. Tswelala Motlotlegi Hantise.

HON. HANTISE:

Ke mathata UCDP e tlhantlhetse

gompiano. Ke kopa jalo gore a tle a re thuse go arabela ntlha e. Modulasetilo ga go bothale gore ga re batla go lolamisa dilo re batla gore dilo di diriwe sentle jaaka ke dirile sekai. Bangwe ba ba tsamaileng ene e le ka gobo ba sa dire dilo tse di siameng. Jaanong ga e le selo sengwe se se sa siamang gore mokwaledi wa rona nako le nako re bo sa mmone a satle tironng go sena ripoto, Deputy Speaker a re tlhalosetse gore go diragala eng? Ka gore this thing is a concern ya everybody including the staff members tsa this Legislature and myself.

Gongwe re netefatse le Deputy Speaker ka gore jaanong Ntlo ya ga Speaker ga e a felela gore a di power tse dingwe di kanne di tsamaile le Speaker and he is left with nothing to can act and to bring this House in order. He must also explain. Maybe that is part of his difficulties. Chair tla ke ye ko ntlheng e ya di flat gape eo go tsitsinyang jalo gore resolution e e tserweng mo Ntlong e e diragadiwe. Ke a e sapota. Mme fa e sa diragadiwe re tsee resolution e e reng Motlotlegi MoPirimia a resign. Fa a sa resign Ntlo e e tla tsaya kgato e e latelang ya

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go tsenya section eo re buileng ka yona.

Ga ke ne ke tlhalosa mabaka a gore why komiti e tsere tshwetso eo. Like I have already said in the beginning gore ga rene re ikana fa re ikanne re re re tla tlotla melao yotlhe ya Aforika Borwa. E ne e le karolo ya ditshwetso tse re di tsayang mo teng ga Ntlo e. Ke batla go dira tsitsinyo fela mo godimo ga yona modulasetilo gore Ntlo e, selo se re buang ka sona se, sa go rola marapo ga Premier kgot-sa go tsenya Section 141 eo e tla mo pateletsang gore a role marapo, re se ka ra tsaya tshwetso gompieno. Mme re dumelane gore mo sitting eo e latelang re ya go e finalize.

Go kopiwe jalo gore Motlotlegi ga ke itse gore o kae maybe a nne gona gore a kgone go ikarabela le Maloko a Palamente re ba kope gore ba nne gone mo Tlong. Ga ke itse gore the next sitting ken eng, a ke next year, mme ka re the next sitting we are going to conclude this matter and finalize it. Ke addition fela e ke e tsenyang mo. Ke kopa jalo gore Ntlo e e amogele jalo. Ke a leboga.

HON. CHAIR OF CHAIRS:

Ke go lebogile Motlotlegi rre Hantise. Ke tla kopa Motlotlegi Deputy Speaker ntate Tshwene go tla go arabela.

HON. MOALUSI:

O ntebetse mma?

HON. CHAIR OF CHAIRS:

Rre Moalusi ga ke ise ke go chance ya go bua. Ke kopa o time microphone o dule mo fat-she. Ke a leboga.

HON. DEP. SPEAKER:

Chair of Chairs, let me begin by appreciating questions, comments and advices table by Honourable Members during the debate. There are things that I must correct first which do not belong to this debate. One of them is that when the chairperson presented a report he says on a meeting of the 30th of October and the 7th of November I was representing the Office of the Premier. I want to correct that. Ee o rile jalo ntate Mahlakeng ga o a ikutlwa. Now I want to correct that as I was not representing that office.

Secondly I am going to answer questions not comments because I know comments does

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not expect answers but questions do expect answers. I will note comments and advise that we will use to improve our functionality as the Legislature. That we will note but we will not give a response to comments and advise. Now you see Chair of Chairs it is important that even before I answer questions I must give you this background. This background will answer some of the questions and I would want Members to listen very attentively. We presented to the House in our budget of the Legislature requesting R150 million please listen to logic.

We were not given R150 million. We were given R106 million. We said for the Legislature to execute its constitutional and political mandate will need R150 million. It was not given only R106 million was given. Now that alone tells you that there will be other things that will not be able to be catered for in terms of finances. Now out of the R106 million that was given to the Legislature R54 million was for salaries you can do your subtractions. It leaves you with R52 million. It is important that I give you this background. Of the R52 million that was left, this year

Rules Committee took a decision to increase the constituency allowance. Honourable Members were there including the opposition when we took this decision.

When this decision was taken, there was no additional fund that was put to R106 million. Now logic tells you that the money available would not be sufficient. Logic it is not only constituency allowance which was increased. The allowances for secretariat were also increased out of insufficient budget passed by this House. Researchers got increments from this insufficient budget. Now in the context of funds following function when I give you function I must give you money to execute that function or you will not be able to do it.

This one is very important and I want the House to hear it. The Legislature plays and overall function over the Executive and it hold executive accountable to the House. Legislature given R106 million plays an overall function to a department of R5 billion. This money alone in terms of the resources both financial and human resources

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in playing your oversight function is insufficient. You can't spend R106m to play an overall function of a department of R6b. Education is one of them followed by health. Now we must agree that in future when the Legislature says give us R150 please do. Once you do that there will be no other questions that Members have asked here.

Now let me go to questions. Ke simolola ka ya ga mme Matladi. Mme Matladi re nale di interpreter for different languages. Yo mongwe ke yo a utlwa IsiXhosa a bo a interpreter ka English, o mongwe ke wa Setswana a interpreter ka English ba farologane. Now ga re ise re nne le mathata a interpretation except for today. And you what is the reason? The interpreter wa Setswana to English or Afrikaans o a bobola. Now when an interpreter is going to be sick, he/she doesn't say Deputy Speaker please note that I am going to get sick on Friday. When you get involved in an accident you don't say Deputy Speaker on Tuesday next week, I will be involved in an accident. It does not happen. And atleast I have taken a privilege to apologize to the House

this morning. I was not a fool when I was doing that.

Now ga ke rate batho aba ba senang nnete. I don't like them completely because they create confusion. Mme Matladi says the Office of the Speaker has failed to follow up on the implementation of the resolution of the House. Ke tlhabiwa ke ditlhong. This question was asked when the Legislature appeared before the committee. I have presented a documentary proof to the effect of the follow ups that we have made for convenience of the House. The first letter we wrote was on the 26th of September 2007 where we requested them to implement the decision of the House. That did not happen. I remember in that letter there was a timeframe of 31 days. But the executive prepares a report and tabled it in the House.

We wrote another letter in February this year. The copies of letters we are referring to, mme Matladi o a di itse. Ke di mo file ko komiting ya gagwe. O ne a kopile makwalo ao ke mo a neile. The chairperson is there is having those letters. We have written three letters to them.

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Two letters were follow-up. I must understand what follow up means. Those three letters are with the chairperson. The Auditor General we made a follow up those letters are there. Office of the Human Rights Commission we made a follow up those letters are there.

Now this question of fifteen employees almost every speaker who spoke here raised this question and I will not answer it six times I will answer it once. It was raised by six people. The issue about this employee was presented to the committee. One by one from the first person to the fifteenth person that look this person left because he was given twice the salary that he is earning in the Legislature. There is a question that says what do you do to avoid this thing? Is there a staff retention policy? We said we have appointed a company that is going to evaluate our posts in the Legislature and advise us accordingly in terms of salary levels so that we don't allow people to leave the Legislature from time to time. I am presenting this question for the third time but I will continue to repeat it until batho ba utlwile gore karabo ke eng.

Oppositions excluded from tours. The policy of the Legislature is that when there is an international tour or visit, Members of the opposition must be there and that has been the practice. At some stage we went to Germany Honourable Groenewald. I was with you from the DA. I was with Ntate Matlholwa from the UCDP. It was not only ANC. Now we will continue to make sure that Members of the opposition party are taken on board when there are tours. We will not allow a situation where only one party is part of the tour because it is not correct. Ntate Moalusi video conferencing ea a bereka chief, I am using it because I am the Deputy Speaker and you are not. You must wait until you become the Deputy Speaker then you will be part of that video conferencing.

When we had the People's Assembly in Ganyesa, I was linking up with nine provinces in South Africa including Cape Town and the NCOP using the video conferencing in that room. I can take you there after the sitting. Ntate Moalusi you see it is important that when you speak, when I sit there I listen. There is

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this other question that says the Legislature has failed. I listened that it has failed on what I couldn't get anything. If it says the Legislature is failing on this and that I would have responded to the question.

Issue ya matlo. Who is there and who is not suppose to be, ga ke rate batho ba ba senang nnete. I don't like that because they create confusion. I have an appointment le ntate Moalusi ya today. Re dirile that appointment last week. I said to him we are going to meet after the sitting ya Thursday to address issue ya gagwe ya ntlo. It is not a problem that matter is addressed. But you see you must come here and talk so that people can here gore le wena o a bua ko Palamenteng. It was also comment that somebody casted a vote I tried to listen and get sense out of that I couldn't. Somebody casted a vote in your favour I don't know what vote was that it was said by ntate Moalusi. I did not understand. Now because I did not understand it I can't give an answer.

Now ntate Hantise about CCMA case e re itseng e re naleng yona eo e sa ntseng e le pend-

ing ke case ya gar re Maduka e e ko CCMA. It is the only case that is pending. You spoke about many cases. Others are no longer there. The one that we know is pending ke e ya CCMA ya ga ntate Maduka.

Now Secretary of the Legislature, you see when Cape Town says we want Secretaries of the Legislatures to be in Cape Town or PE or East London, we can't say as the North West our Secretary can't go there. My understanding of management is that the Secretary is leading this Legislature administrative at a strategic level. When there is a need for the Secretary to go to Pretoria for business of the Legislature, that must happen. Ha re re re bone Secretary a bereka ga se ge o mošebile ka matlho o mona everyday gore o teng mo tirong. Nako e ntsi when he is not there he is doing a good important job for the Legislature somewhere else.

I also don't you everyday. I don't expect him to see him everyday ken e ke tlo go mmotsa gore why are you sitting there everyday ke go bona. You must be going somewhere doing work.

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The work of the Legislature is not only done here. Is done by interacting with other institutions out of this institution one of them is the Auditor General. For instance this House took a decision yesterday which we must implement. The Secretary of the Legislature is responsible for that implementation. I have just written a letter that communicates the decision of the House to the Auditor General on the Department of Agriculture. He must take care of the responsibility. He must leave now and go there.

Now when you don't see him is not that he is not working. Honourable Gerber you see the Premier does not have a deputy. That is why there is acting. MEC have no deputy but the Speaker has a deputy. If the Speaker is not there, I am there and I will do everything that the Speaker will do. You see every time the Speaker is not there but I am presiding here. The House has never stopped. There is no function that the Legislature could not perform because of the absence of the Speaker. That is why there is a deputy. A deputy takes a responsibility of the Speaker in her absence. Is it

true that we did not budget for the People's Assembly? It is not true. It is a lie. That background that I have given you answers this question.

We requested R150 million, we got R106 million that fall out is part of the funds we budgeted for People's Assembly. Logic tells you that if you don't have money for this programme or this function, you will certainly go to other functions and programmes because People's Assembly had to take place. It happened also in other provinces. That is why I am saying in future please when the Legislature says gives us R150 million please do. We will not have these problems tsa go ya go tsaya ditšhelete ko dikomiting tse dingwe. If that People Assembly did not proceed these Members would also asked why it didn't proceed.

Cleanliness again we said we are in the process of giving a service provider to do this function so that this function is performed in a professional way. Gore re seke ra nna le di smell tse di seng monate tse re di utlwang mo, not only here in the House and else where in this

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building including toilets. We need professional service that would do the job to the level and the standard of this House. We are not happy about that as well. This issue of researcher of the UCDP that the UCDP researcher did not get money I am not sure. We discussed the matter with Honourable Matladi. The only thing we said bring the information, there might have been a mistake that, that person is not being paid. Instead of bringing the document you come here and say researcher doesn't get money. I have discussed this matter with Honourable Matladi.

HON. MATLADI:
Chairperson, can I speak?

HON. DEP SPEAKER:
It is the time to answer questions. Your time of asking questions is over. I am answering now.

HON. MATLADI:
I need to straighten up something.

HON. CHAIR OF CHAIRS:
Honourable Tshwene I am the one who is presiding. Honourable Matladi can I hear

your point of order.

HON. MATLADI:
Thank you Honourable Chair of Chairs. Ntate Tshwene should listen. When I presented the issue on the UCDP researcher fund I even congratulated the Legislature. So he was just thinking he can say to me instead of listening to what I said that the matter was immediately addressed and that we are thankful for the immediate attention so I don't know what he is talking about. Thank you Chair of Chairs.

HON. DEP. SPEAKER:
Thank you Chair of Chairs. There was also a matter raised here. You see in the context of separation power. There was a matter raised here by the EXCO people not agreeing. That thing has got nothing to do with the Legislature. Separation of powers. Legislature is a legislative arm of government. Its business is to make law. Executive on the other hand its business is to implement and execute laws.

It is not true that the Legislature must go to EXCO and say but you must discuss and agree amongst yourselves. We can't

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do that. It will be interference Comrade Maureen. We won't do that it is not our brief. The information I have about the furniture report is that the report was presented to SCOPA. We will follow up after this sitting and check whether is true that is was presented to SCOPA.

There is a brilliant recommendation and I have noted it, I am also taking it. It comes from you ntate Mahlakeng that we must build in something in the Rules that says when we give Executive Council decision to implement and they don't what should happen? it must be contained in the Rules so that we say I refer you Rule 426 of the Standing Orders, you did not comply and therefore we use provision of the Constitution and other pieces of legislation. I am taking that advice a brilliant one. Not that other advises are not brilliant.

EU programmes ntate Africa this money for EU is not money that should pay for you when you say you want to go and study economics or medicine when we don't deal with medicine here. It should be a matter that is relevant to your terrain or your field

of operation. I know for a fact that with this money of the EU which is by the way the money ended in December 2007. We are still waiting for the new money there is no money. Somebody said we want to know where that money is, the money is not there and we are giving this answer for the second time.

Part of what we organized, Members did not even attend. Staff members are even attending on behalf of Members. The Auditor General tells us about fruitless expenditure because you organize training for Members. One of the training which Members did not attend which we organize was on Protocol. And ba ba ntsi ba rona ya ba phazamisa protocol. I am about to finish now.

Go nale enngwe e ntate Moalusi a neng a re it's a political comment. Ke rile ka re ga ke arabe di comments. Ke a raba dipotso. Di comments ke a di nouta. Tse di botlhalenyana ke a di tsaya ke ya go di dirisa gore ke tokafatse tsela ya ka ya go bereka. I stand here on behalf of the Legislature and as Legislature we have a room to

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improve our capacity to serve our people on daily basis. The way I am going to serve the people of the North West tomorrow it must be different than the way I served them today. We have a room to improve but we only take advises that will help us to improve not the one that makes us to deteriorate. Thanks.

HON. CHAIR OF CHAIRS:

Re a go leboga Motlotlegi gore

o be o kgonne go arabela. This brings us to the end of the debate. Does the House adopt the report?

[Adopted]. This concludes the business of the day. This House is adjourned up until the 27th November 2008. Thank you very much.

THE HOUSE ADJOURNED